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CAPE COD NATIONAL SEASHORE PARK

HEARINGS

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS

OF THE

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

Dec 29, 1961

EIGHTY-SIXTH CONGRESS

FIRST SESSION

ON

S. 2636

A BILL TO PROVIDE FOR THE ESTABLISHMENT OF CAPE COD NATIONAL SEASHORE PARK

EASTHAM, MASS., DECEMBER 9 AND 10, 1959

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CAPE COD NATIONAL SEASHORE PARK

WEDNESDAY, DECEMBER 9, 1959

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS OF THE
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Eastham, Mass.

The subcommittee met at 10:10 a.m., pursuant to notice, in the town hall, Eastham, Mass., Senator Frank E. Moss (chairman of the subcommittee) presiding.

Also present: Senator Leverett Saltonstall, Representative Hastings Keith, and Richard Callaghan, staff director.

Senator Moss. Ladies and gentlemen, we will open this hearing of the Public Lands Subcommittee of the Interior and Insular Affairs Committee of the U.S. Senate.

The hearing has to do with Senate bill 2636, a copy of which will appear in the record at this point. I also order printed any departmental reports pertaining to this bill that may subsequently be received.

(S. 2636 follows:)

[S. 2636, 86th Cong., 1st sess.]

A BILL To provide for the establishment of Cape Code National Seashore Park

Whereas the coastal and shoreline area on Cape Cod, Massachusetts, possesses unique cultural, scenic, historic, scientific, and recreational values; and

Whereas these values are an important and irreplaceable part of the heritage of the United States; and

Whereas these values should be preserved and enhanced for the benefit and inspiration of all of the people of the United States of present and future generations; and

Whereas an adequate and representative portion of Cape Cod should be set aside and developed to assure its unimpaired use and enjoyment for varied cultural, scenic, historic, scientific, and recreational purposes: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the area comprising that portion of the land and waters located in the towns of Provincetown, Truro, Wellfleet, Eastham, Orleans, and Chatham in the Commonwealth of Massachusetts, and described in subsection (b), is designated for establishment as Cape Cod National Seashore Park (hereinafter referred to as "the park").

(b) The area referred to in subsection (a) is described as follows:

Beginning at a point in the Atlantic Ocean one-quarter of a mile due west of the mean low-water line of the Atlantic Ocean on Cape Cod at the westernmost extremity of Race Point, Provincetown, Massachusetts; thence from the point of beginning along a line a quarter of a mile offshore of and parallel to the mean low-water line of the Atlantic Ocean, Cape Cod Bay, and Provincetown Harbor in generally southerly, easterly, and northerly directions rounding Long Point and then southwesterly to a point a quarter of a mile offshore of the mean low-water line on the harbor side of the dike depicted on the United States Geological Survey Provincetown quadrangle sheet (1949) crossing an arm of the Provincetown Harbor; thence northerly, along a line a quarter of a mile offshore of and parallel to the low-water line at the dike to a point easterly of the point of inter-

section of the sand dike with the boundary of the Province Lands Reservation as depicted on the said Provincetown quadrangle sheet;

thence westerly to the said point of intersection of the dike and the Province Lands Reservation boundary;

thence along the boundaries of the Province Lands Reservation northwesterly, northeasterly, northerly, and easterly to the easternmost corner of the reservation being near United States Route 6;

thence leaving the said easternmost corner along an extension of the southerly reservation boundary line easterly to the northerly right-of-way line of United States Route 6;

thence along the northerly right-of-way line of United States Route 6 in a generally easterly direction crossing the Truro-Provincetown town line to and continuing in the two of Truro to a point four-tenths of a mile southeasterly of Highland Road;

thence leaving the northerly right-of-way line of United States Route 6 and running due east two-tenths of a mile;

thence turning and running in a southeasterly direction paralleling the general alinement of United States Route 6 and generally distant therefrom two-tenths of a mile crossing Pamet Road and continuing to a point three-tenths of a mile southerly thereof;

thence westerly to the intersection of Old County Road and Mill Pond road;

thence southerly along the easterly right-of-way line of Old County Road to Fisher Road;

thence westerly along the southerly right-of-way line of Fisher Road to the right-of-way line of the New York, New Haven, and Hartford Railroad;

thence southerly along the easterly right-of-way line of the railroad for three-tenths of a mile;

thence due west to a point in Cape Cod Bay one quarter of a mile distant from the mean low-water line;

thence turning and running along a line a quarter of a mile offshore of and parallel to the mean low-water line of Cape Cod Bay in a general southerly and easterly direction rounding Jeremy Point and thence in a general northerly direction along a line a quarter of a mile offshore of and parallel to the mean low-water line on the westerly side of Wellfleet Harbor to a point one quarter of a mile due north of the mean low-water line at the eastern tip of Great Island as depicted on the United States Geological Survey Wellfleet quadrangle sheet (1949);

thence leaving Wellfleet Harbor and running three-tenths of a mile northwesterly to the top of a ridge between Herring River and the Chequesset Country Club;

thence northeasterly along the said ridge continuing across Mill Creek on a straight line following in general a ridge and crossing the right-of-way of the New York, New Haven, and Hartford Railroad to a point two-tenths of a mile northeasterly thereof;

thence due north to a point three-tenths of a mile beyond the Bound Brook Island Road;

thence generally easterly following the southerly contour of a marsh, as depicted on the said Wellfleet quadrangle sheet crossing United States Route 6, and continuing to a point on the easterly right-of-way line of a power transmission line;

thence in a general southerly direction along the said easterly right-of-way line of a power transmission line, crossing the Eastham-Wellfleet town line, to the intersection of said easterly right-of-way line with the easterly right-of-way of Nauset Road;

thence in a general southeasterly direction along said easterly right-of-way line of Nauset Road to the intersection of Nauset Road and Salt Pond Road;

thence crossing said Nauset Road and running along the easterly right-of-way line of said Salt Pond Road to its intersection with the southerly right-of-way line of Nauset Road;

thence westerly along the southerly right-of-way line of Nauset Road to its intersection with the easterly right-of-way line of United States Route 6;

thence southerly along the easterly right-of-way line of United States Route 6 to a point four-tenths of a mile southerly of the intersection of Locust Road and United States Route 6;

thence easterly to a point one-tenth of a mile from United States Route 6;

thence turning and running in a generally southerly direction paralleling the general alinement of United States Route 6 and generally distant therefrom one-tenth of a mile to a small stream approximately one-tenth of a mile beyond Governor Prence Road extended;

thence southeasterly along the stream and continuing to the Orleans-Eastham town line;

thence along the Orleans-Eastham town line to the southerly tip of Stony Island;

thence generally southerly in the town of Orleans to the easterly edge of the Nauset Harbor Channel;

thence in a generally southerly direction along the said easterly edge of the Nauset Harbor Channel to a point due south of the southwesterly tip of Nauset Beach on the north side of the entrance to Nauset Harbor from the Atlantic Ocean;

thence due south to the twenty-foot contour in Nauset Heights as delineated on the United States Geological Survey Orleans quadrangle sheet (1946):

thence generally southerly along the said twenty-foot contour to a point about one-tenth of a mile northerly of Beach Road;

thence southwesterly along a line intersecting Beach Road at a point two-tenths of a mile easterly of the so-called Nauset Road leading northerly to Nauset Heights;

thence southerly to the head of a tributary to Little Pleasant Bay at the northerly tip of Pochet Neck as depicted on the said Orleans quadrangle sheet;

thence generally southerly along the thread of channel of the said tributary passing westerly and southwesterly to Pochet Island and thence southwesterly into Little Pleasant Bay passing to westerly of the northerly tip of Sampson Island, the westerly tip of Money Head, and the southwesterly tip of Hog Island following in general the center line of Little Pleasant Bay to Pleasant Bay;

thence generally southeasterly in Pleasant Bay along a line passing midway between Sipson Island and Nauset Beach to a point on the Chatham-Orleans town line one-quarter of a mile westerly of the mean low-water line of Pleasant Bay on the westerly shore of Nauset Beach;

thence generally southerly in Pleasant Bay in the town of Chatham along a line a quarter of a mile off-shore of and parallel to the said mean low-water line of Pleasant Bay on the westerly shore of Nauset Beach to a point a quarter of a mile south of the mean low-water line of the southern tip of Nauset Beach;

thence easterly rounding the southern tip of Nauset Beach along a line a quarter of a mile offshore of and parallel thereto;

thence generally northerly and northwesterly, and westerly along a line a quarter of a mile offshore of and parallel to the mean low-water line of the Atlantic Ocean on the easterly shore of Nauset Beach and on to the outer cape to the point of beginning.

Also included in such area are lands located in the town of Chatham and more particularly described as follows:

Beginning at a point on the northwesterly corner of the boundary of Monomoy National Wildlife Refuge at the mean low-water line on the western shore of Morris Island;

thence generally southerly, westerly, southerly, easterly, and northerly along the exterior boundary line of said Monomoy National Wildlife Refuge to a point on the northeasterly corner of said refuge located on the eastern shore of Morris Island;

thence northerly, westerly, and southerly parallel to the mean low-water line along the shore of Morris Island and Stage Island to the point of beginning.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as "Secretary") is authorized to acquire by purchase, gift, condemnation, transfer from any Federal agency, exchange, or otherwise, the land, waters, and other property, and improvements thereon and any interest therein, within the area which is described in section 1 of this Act or which lies within the boundaries of the park as established under section 3 of this Act (hereinafter referred to as "such area"). Any property, or interest therein, owned by the Commonwealth

of Massachusetts, by any of the towns referred to in section 1 of this Act or by any other political subdivision of said Commonwealth may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act.

(b) In exercising his authority to acquire property in accordance with the provisions of subsection (a) of this section, the Secretary shall have authority to incur obligations and enter into contracts involving the expenditure of funds authorized by section 11 of this Act for the acquisition of property and his action in doing so shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated.

(c) The Secretary is authorized (1) to use donated and appropriated funds in making acquisitions under this Act, and (2) to pay therefor not more than the fair market value of any acquisitions which he makes by purchase under this Act.

(d) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within such area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary within such area. The properties so exchanged shall be approximately equal in fair market value, provided that the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

(e) As used in this Act the term "fair market value" shall mean the fair market value as determined by the Secretary and may be based on an independent appraisal obtained by him.

(f) Notwithstanding any other provision of law, the Secretary is authorized to dispose of any buildings or structures acquired by him under this Act with respect to which no private right of use and occupancy exists, upon such terms and conditions, and with or without publicly advertising for bids, as he may deem to be in the interest of the United States.

SEC. 3. (a) As soon as practicable after the date of enactment of this Act and following the acquisition by the Secretary of not less than a total of six thousand acres of the area described in section 1 of this Act, which acreage is in the opinion of the Secretary efficiently administrable to carry out the purposes of this Act, the Secretary shall establish Cape Cod National Seashore Park and shall declare such establishment by the publication of notice thereof in the Federal Register.

(b) Such notice referred to in subsection (a) of this section shall contain a detailed description of the boundaries of the park which shall encompass an area as nearly as practicable identical to the area described in section 1 of this Act. The Secretary shall forthwith after the date of publication of such notice in the Federal Register (1) send a copy of such notice, together with a map showing such boundaries, by registered mail to the Governor of the Commonwealth of Massachusetts and to the board of selectmen of each of the towns referred to in section 1 of this Act; (2) cause a copy of such notice and map to be published in one or more newspapers which circulate in each of such towns; and (3) cause a certified copy of such notice, a copy of such map, and a copy of this Act to be recorded at the registry of deeds for Barnstable County, Massachusetts.

SEC. 4. (a) Any owner or owners (hereinafter in this subsection referred to as "owner") of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of his property for noncommercial residential purposes, for a term not to exceed twenty-five years or for a term ending at the death of such owner, whichever term he shall elect. In any case where such an owner retains a right of use and occupancy for such a fixed term of years, such right may during its existence be conveyed or leased, in whole, but not in part, for noncommercial residential purposes. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(b) (1) The Secretary's authority to acquire property by condemnation shall be suspended with respect to all improved property located in all of the towns referred to in section 1 of this Act for one year following the date of its enactment.

(2) Thereafter such authority shall be suspended with respect to all improved property in any of such towns during all times when such town shall have in force and applicable to such property a duly adopted, valid zoning bylaw approved by the Secretary in accordance with the provisions of section 6 of this Act.

(c) The Secretary's authority to acquire property by condemnation shall be suspended with respect to any particular property which is used for commercial or industrial purposes during any periods when such use is permitted by the Secretary and during the pendency of the first application for such permission made to the Secretary after the date of enactment of this Act provided such application is made not later than the date of establishment of the park.

(d) As used in this Act, the term "improved property" shall mean a private noncommercial dwelling, including the land on which it is situated, whose construction was begun before September 1, 1959, and structures accessory thereto (hereinafter in this subsection referred to as "dwelling"), together with such amount and locus of the property adjoining and in the same ownership as such dwelling as the Secretary designates to be reasonably necessary for the enjoyment of such dwelling for the sole purpose of noncommercial residential use and occupancy. In making such designation the Secretary shall take into account the manner of noncommercial residential use and occupancy in which the dwelling and such adjoining property has usually been enjoyed by its owner or occupant. The amount of such adjoining property to be so designated by the Secretary shall in no case be less than three acres in area, or all of such lesser amount as there may be, except that the Secretary may exclude from the amount of adjoining property so designated any beach or waters, together with so much of the land adjoining such beach or waters as the Secretary may deem necessary for public access thereto.

SEC. 5. (a) It is the policy of the Congress that a reasonable amount of additional noncommercial residential development be permitted on property located within the park: *Provided*, That any particular such development would not, in the opinion of the Secretary, adversely affect or interfere with the preservation, development, and administration of such area for the purposes referred to in section 1 of this Act: *And provided further*, That such property is subject to a zoning bylaw approved by the Secretary, in accordance with the provisions of section 6 of this Act.

(b) The Secretary shall, in conformity with the provisions of subsection (a) of this section, upon request made to him not later than five years after the date of enactment of this Act pursuant to any lawful vote of a town meeting of any town referred to in section 1 of this Act, which vote has been ratified by the Advisory Commission established by section 10 of this Act, designate in such town an amount of unimproved property for such development which, together with any previous such designations made by him for such town, shall not exceed in acreage 10 per centum of the total amount of privately owned property situated within the boundaries of the park and in such town. The authority of the Secretary to acquire by condemnation property so designated shall be suspended from the date of such designation during all times when such property is subject to such a zoning bylaw.

SEC. 6. (a) As soon as practicable following the date of enactment of this Act, the Secretary shall issue regulations specifying standards for approval by him of town zoning bylaws for purposes of sections 4 and 5 of this Act. Any such bylaw which meets such standards shall be approved by the Secretary upon application made to him for such approval.

(b) Any zoning bylaw approved in accordance with subsection (a) of this section shall contribute to the effect of (1) prohibiting the commercial and industrial use, other than any commercial or industrial use which is permitted by the Secretary, of all property within the boundaries of the park which is situated within the town adopting such bylaw; and (2) promoting the preservation and development, in accordance with the purposes of section 1 of this Act, of the area comprising the park, by means of acreage, frontage, and setback requirements and other provisions which may be required by such regulations to be included in the zoning bylaw consistent with the laws of Massachusetts.

(c) No zoning bylaw shall be approved by the Secretary which (1) contains any provision which he may consider adverse to the preservation and development, in accordance with the purposes of section 1 of this Act, of the area comprising the park, or (2) fails to make provision for the Secretary to receive

notice of any variance granted under and any exception made to the application of such bylaw, and notice of any amendment thereof.

(d) If any improved property, with respect to which the Secretary's authority to acquire by condemnation has been suspended in accordance with the provisions of the Act, is made the subject of a variance under or an exception to any zoning bylaw applicable to such improved property so as to exempt it from any applicable standards contained in regulations issued pursuant to this section, the Secretary may, in his discretion, at any time after the date when such exception is made terminate the suspension of his authority to acquire such improved property by condemnation.

SEC. 7. The Secretary shall furnish to any interested person requesting the same, a certificate indicating with respect to any property located within the park as to which the Secretary's authority to acquire such property by condemnation has been suspended in accordance with the provisions of this Act that such authority has been so suspended and the reasons therefor.

SEC. 8. (a) In order to provide compensation for tax losses sustained by the towns referred to in section 1 of this Act as a result of certain acquisitions by the Secretary of privately owned real estate and improvements thereon pursuant to the provisions of this Act, payments in lieu of taxes shall be made to each such town in which such real estate is located, and which has been authorized, under the laws of Massachusetts, to assess taxes upon real estate to the person who is in possession thereof and to assess taxes upon any present interest in real estate to the owner of such interest, in accordance with the following schedule: For the calendar year in which the real estate is acquired in fee simple absolute, an amount which bears the same proportion to the full amount of tax assessed thereon in such year as the number of days remaining in such year after the date of acquisition bears to the number three hundred and sixty-five. In any case where an amount in excess of the difference between such proportionate amount and such full amount has already been paid to the town by or on behalf of the owner or owners from whom the real estate was so acquired, payment of such excess amount shall be made as reimbursement to such owner or owners out of such proportionate amount and only the balance remaining of such proportionate amount shall be paid to the town. For the two succeeding calendar years there shall be paid on account of such real estate an amount equal to the full amount of tax assessed thereon in the year of acquisition.

(b) No payments in lieu of taxes shall be made on account of real estate and improvements thereon in which the Secretary has ever acquired less than a fee simple absolute under this Act.

(c) As soon as practicable after real estate taxes have been assessed by such towns in each calendar year, the Secretary shall compute and certify the amount of payments in lieu of taxes due to each of such towns, and such amounts shall be paid to the respective towns by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated.

(d) The provisions of this section shall not apply to any property acquired by the Secretary after December 31 of the twenty-fifth year following the date of enactment of this Act.

SEC. 9. (a) Except as otherwise provided in this Act, the property acquired by the Secretary under this Act shall be administered by the Secretary, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and other purposes", approved August 25, 1916 (30 Stat. 535); as amended and supplemented, and in accordance with laws of general application relating to the national park system as defined by the Act of August 8, 1953 (67 Stat. 496); except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

(b) (1) The Secretary shall develop for recreational uses such portions of Cape Cod National Seashore Park as he deems especially adaptable for such uses, including camping, swimming, horseback riding, boating, sailing, hunting, fishing, and other recreational activities of similar nature. Except for such recreational development and except for improved property therein, the park shall be permanently reserved as a primitive wilderness and no development of the park or plan for the convenience of visitors shall be undertaken by the Secretary which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing in the area described in section 1 of this Act.

(2) In developing the park the Secretary shall, so far as practicable consistent with the provisions of paragraph (1) of this subsection, provide recreational and other facilities for the public in such places and manner as he determines will not diminish for its owners or occupants the value or enjoyment of any improved property located within the park.

(c) Notwithstanding any other provision of this Act, land and waters now or hereafter included in any migratory bird refuge within the boundaries of the park shall continue as such refuge under applicable laws and regulations, but such lands and waters shall be a part of the park and shall be administered by the Secretary for recreational uses not inconsistent with the purposes of such refuge under such rules and regulations as the Secretary may prescribe. Nothing in this Act shall limit the power of the Secretary to acquire lands and waters for any migratory bird refuge.

(d) The Secretary may permit hunting and fishing, including shellfishing, on lands and waters under his jurisdiction within the park under such regulations as he may prescribe. The Secretary shall consult with officials of the Commonwealth of Massachusetts and any political subdivision thereof who have jurisdiction of hunting and fishing, including shellfishing, prior to the issuance of any such regulations, and the Secretary is authorized to enter into cooperative arrangements with such officials regarding such hunting and fishing, including shellfishing, as he may deem desirable, except that the Secretary shall leave the regulation of the taking of shellfish to the towns referred to in section 1 of this Act.

SEC. 10. (a) There is hereby established a Cape Cod National Seashore Park Advisory Commission (hereinafter referred to as the Commission).

(b) The Commission shall be composed of nine members appointed by the Secretary as follows:

(1) Six members to be appointed from recommendations made by each of the boards of selectmen of the towns referred to in the first section of this Act, one member from the recommendations made by each such board;

(2) Two members to be appointed from recommendations of the Governor of the Commonwealth of Massachusetts; and

(3) One member to be designated by the Secretary.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such and shall serve at the pleasure of the official or officials recommending his appointment. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act upon vouchers signed by the Chairman.

(e) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

(f) The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of Cape Cod National Seashore Park, and shall consult with the members with respect to carrying out the provisions of sections 4, 5, and 6 of this Act.

(g) No permit for the commercial or industrial use of property located within the park shall be issued by the Secretary without the advice of the Commission.

SEC. 11. (a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act; except that no more than $15,000,000 shall be appropriated for the acquisition of land and waters and improvements thereon, and interests therein, and incidental costs relating thereto, in accordance with the provisions of this Act.

(b) Any revenues received by the United States as a result of the disposal by the Secretary of any building or structure, or part thereof, pursuant to the provisions of subsection (f) of section 2 of this Act shall be deposited in a special fund which the Secretary of the Treasury shall establish within the Treasury. All sums deposited in that fund shall be available to the Secretary of the Interior for disbursement by him in acquiring land and waters and improvements thereon, and interests therein, and in paying incidental costs relating thereto, in accordance with the provisions of this Act, and shall be disbursed upon certification by the Secretary of the Interior.

SEC. 12. If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

(The following report on S. 2636 was received subsequent to the close of the hearing:)

POST OFFICE DEPARTMENT,
OFFICE OF THE GENERAL COUNSEL,
Washington, D.C., October 20, 1959.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: It has been brought to the attention of this Department that S. 2636, a bill to provide for the establishment of Cape Cod National Seashore Park, has been referred to your committee for consideration.

This Department has not been requested to report on this bill, but there are certain provisions of the measure upon which it is deemed appropriate to comment.

This bill, among other things, authorizes or requires the transmission of certain notices by registered mail.

Many official documents and other matter transmitted or served by registered mail generally have no intrinsic value. The purpose of having them served or transmitted by registered mail is to establish proof of mailing and delivery through the system of receipts provided for such mail. The same purpose now can be served by the use of the certified mail service.

The certified mail service established by the Postmaster General now provides a cheaper means for the transmission of such documents or other matter which are required or permitted by law to be served or transmitted by registered mail. Proof of mailing and delivery is available through the system of receipts given at the time of mailing and taken at the time of delivery of the certified mail. If the sender so desires, he may obtain a return receipt as evidence of delivery.

During the 85th Congress three laws (Public Law 85–207, approved August 28, 1957; Public Law 85–259, approved September 2, 1957; Public Law 85–866, approved September 2, 1958) were enacted to provide, among other things, the necessary amendment of several existing laws to authorize the use of certified mail. During the 86th Congress three other laws (Public Law 86–46, approved June 17, 1959; Public Law 86–106, approved July 23, 1959; Public Law 86–107, approved July 23, 1959) made similar amendments in existing laws.

With the exception of section 3(b), S. 2636 does not affect any matters under the jurisdiction of the Department. However, it is suggested that if S. 2636 receives favorable consideration by the committee, it be amended by inserting "or by certified mail" immediately following the words "registered mail" in line 8, page 12, of the bill.

The Bureau of the Budget has advised that there is no objection to the submission of this report to the committee.

Sincerely yours,

LEO G. KNOLL, *Acting General Counsel.*

Senator Moss. We are a little tardy in starting, but I can tell you that it was to my benefit that we were tardy, because I had the opportunity this morning of flying in a helicopter up to Provincetown on the bay side and out on the ocean side and all the way down the cape. It was a beautiful, bright sunny morning and we could see very well. We could fly low, as you know, in a helicopter. So I think I have a much better idea of the cape and the area about which we are going to talk today.

My name is Moss, Senator Moss from Utah. I am the chairman of this subcommittee today. We have a lot of ground to cover and many witnesses are scheduled to be heard.

Seated at my right is Mr. Richard Callaghan, who is the staff director of the Interior and Insular Affairs Committee. Mr. Callaghan, when we start, will call the witnesses as they are to appear.

We will ask you to expedite the procedure as we go along because there are many to be heard and the time will be limited.

I should point out, too, that the entire hearings will be recorded. We have our recorder here, Mr. Smonskey, who will take down everything that is said. The hearings will be printed. Each witness will be furnished with a printed copy of the transcript when it is printed. For that reason each witness should state his name and address and his occupation as he begins his testimony so that we have it in the record.

I am sure that you all know that the bill that we are considering was introduced in the Senate of the United States by Senator Saltonstall and Senator Kennedy, both of Massachusetts. I am very pleased that Senator Saltonstall is here today to attend this hearing. I am going to ask him to join me up here and sit through the hearings to hear the witnesses.

One of the great opportunities in coming to the Senate is to become acquainted with men of the stature of Senator Saltonstall. He represents this State in a most commendable manner and he is an outstanding American. I need not tell you in Massachusetts that because I am sure that you all know it. But I am honored and pleased to have Senator Saltonstall here.

An identical bill to this has been introduced in the House of Representatives by Congressman Keith, who is also with us today, and I am going to ask Congressman Keith if he will join me here at this table.

I am sure that both the Congressman and the Senator will have statements that they will wish to make for the record and they may do that at the appropriate time. I would be very happy if they would come up now and sit with me here as we begin this hearing.

Mr. HUTCHINS. Senator Moss, may I interrupt to offer a resolution or perhaps a motto for the meeting today?

Senator Moss. If you have a brief motto, we would like to hear it.

Mr. HUTCHINS. May I read the motto, a resolution that I would like to offer?

This day let us be guided by reason. In the course of human events the mind must eventually yield to evident things.

Senator Moss. Thank you Mr. Hutchins.

This bill which we are considering today is something of a departure in proposals for national parks. Of course, I come from an area of the country where we have a number of national parks. Some of them have been established for quite a number of years and they are different entirely in their makeup and the management from the proposal here today.

I am sure that you know that we are here simply to learn about this proposal. I do not come as a proponent or as an opponent at all, and I am sure that neither of my colleagues who are joining me at the table wish to take that position. We are here to learn about the proposal.

The people we want to learn from, of course, are the people that live right here and the ones that are most affected by this proposal. So we will proceed with the hearing.

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My colleagues are invited to ask questions at any time if they wish to clarify any point and, of course, I will reserve the same prerogative.

So I am very pleased now to have Senator Saltonstall and Congressman Keith.

I will now call on Senator Saltonstall for his statement.

STATEMENT OF HON. LEVERETT SALTONSTALL, U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Senator SALTONSTALL. Senator Moss, may I just say in behalf of all the ladies and gentlemen present, and also all of us in Massachusetts, that we are very happy that Senator Murray, the chairman of your committee, designated you to come here to take this testimony as chairman of the Subcommittee on Public Lands.

Utah and its mountainous scenery is quite different from what we have here in Massachusetts. I have been to Salt Lake City. I have been to Utah and I know your beautiful country.

I know how conscientiously and seriously you take your responsibilities in the Senate and we certainly welcome you here in Massachusetts. We know you will be fairminded and conscientious in reporting back to the committee in Washington the testimony as you listen to it here. I can only add that Senator Kennedy, Congressman Keith, and I worked very hard on the bill that is now before you and is known as S. 2636. This was the result of much work by our assistants in our offices and by ourselves. There were many different ideas.

I was very happy to receive a letter from Senator Murray just before the conclusion of the Senate session this September to the effect that the full committee would hold hearings on this bill and hear testimony in Washington and he was going to ask you to come up and to take testimony here.

We welcome you and we appreciate very much your coming and your trip in the helicopter this morning and the knowledge that you are going to acquire today.

May I read, for the record, a letter that just came yesterday from the Under Secretary of the Interior, Mr. Elmer F. Bennett. Have you seen it?

Senator Moss. I just saw it this morning and I wish you would put it in, please.

Senator SALTONSTALL. I would like, Mr. Chairman, to put it in the record, because I think the people here would like to hear it.

This is addressed to Hon. Leverett Saltonstall, and Hon. John F. Kennedy, U.S. Senate, Washington, D.C.

It is dated December 7, 1959, from the Department of the Interior.

DEAR SIRS: We will be interested in the hearings scheduled by the Senate Interior and Insular Affairs Committee for December 9 and 10 at Eastham to consider your bill (S. 2636) to authorize the establishment of the Cape Cod National Seashore Park. This bill, on which you and members of your staff have devoted a great deal of painstaking work, contains a number of original provisions. As we understand your approach to the national seashore proposal, as expressed in your bill, you are making a diligent effort to make possible the preservation of those unique qualities and values within the proposed national seashore that give the Cape its national significance and appeal, and at the same time, to assure adequate protection of the rights and interests of property

owners within the proposed area and of the welfare of the six towns immediately concerned.

As you know, we have submitted draft legislation, now S. 2010, which would authorize the Secretary of Interior to establish three shoreline areas. We have indicated that we would have no objection to an amendment to S. 2010 to require that our selection of sites under that bill, if enacted, would be subject to review by the legislative committees of Congress and that our selection could be disapproved by joint resolution. While several of the provisions of your bill are novel in national park legislation, we view them sympathetically because of the particular problems encountered in this project, and we believe it reasonable to expect that if agreement can be reached on the general approach, there should be no insurmountable difficulty in working out the details.

Since your bill proposes new procedures in park conservation, we are gathering additional information which we consider essential before taking a final position regarding it. Especially is there need for more accurate and detailed information than we now possess concerning the probably economic future of the six towns directly involved in the proposal, if authorized by the Congress, on those towns. We hope to have this additional data as early as possible in 1960, when further hearings may be held on the bill here in Washington. In the meantime, it is our hope that information that will be helpful in appraising the merits of your bill will be presented by interested citizens and organizations in the Eastham hearings.

Sincerely yours,

ELMER F. BENNETT, *Under Secretary.*

Mr. Chairman, I thank you for the permission to read that letter into the record and again I welcome you and Mrs. Moss to Massachusetts. Come often and stay in this pleasurable area without having to do the business that you are doing today.

Senator Moss. It is delightful, indeed, to be here, Leverett; not only to be here but to do the business, too, because I have great interest in it. Just to make me feel at home you had a few red-shirted deer hunters out in the terrain here this morning so I could look at them as I flew over.

I am equally proud and happy to have with me here Congressman Keith who is your Congressman from this area of Massachusetts, who has done exceptionally fine work in the Congress of the United States and has a deep interest in this bill. He understands the ramifications of the bill. I hope that he can stay with me during all of this hearing and participate as a member of the panel. I would like to have him make whatever statement he has for the record at this time.

STATEMENT OF HON. HASTINGS KEITH, MEMBER OF CONGRESS FROM THE STATE OF MASSACHUSETTS

Representative KEITH. Thank you, Senator.

As the Congressman from this area, it is a distinct pleasure to welcome you as is Senator Saltonstall to Cape Cod.

With reference to the communication from Mr. Bennett, I might say that there are significant impacts on the towns other than those or in addition to those immediately affected which is the proper consideration of this committee and of the similar committee that will be formed on the part of the House. There are very wide-range effects from the establishment of a national seashore on the lower cape which will be felt in the towns from here to the beaches and actually throughout southeastern Massachusetts. These, too, must be studied prior to the finalizing of any legislation.

Like yourself, I am hopeful that this hearing will bring forward information which will improve the proposal from both a national and a regional point of view.

I will be brief today because this time should be available for the residents and property owners of Cape Cod, particularly those of the six towns most affected by this proposal.

Basically, I believe that a Cape Cod national seashore can be created which will be in the best interest of the people of the towns of the lower cape and at the same time serve a worthwhile national purpose.

Many constructive suggestions to improve the bill have been brought to my attention. Several are the subject of correspondence which I respectfully request be made a part of the record of this hearing.

The CHAIRMAN. It will be made part of the record.

(The information follows:)

BOSTON, MASS., *December 2, 1959.*

Hon. HASTINGS KEITH,
West Bridgewater, Mass.

DEAR MR. KEITH: As a propertyholder in Eastham, Mass., through the Eastham Great Pond Trust, I am writing you to express opposition to the right of eminent domain feature for the taking of property now occupied by householders for the proposed national park area on Cape Cod.

I have spent a great deal of time on the outer cape in recent years and from personal observation feel that with the taking of the outer beaches and the inland underdeveloped property in the region north of Truro, the national park project would be off to an excellent start and be a step in the public interest.

I am much opposed, however, to the projected taking of property now owned for permanent or summer residential purposes on which permanent buildings have been erected. In view of the areas immediately available still as nature made them such action seems entirely unnecessary. Furthermore, it is reasonable to expect that desirable residential properties will become available for purchase by the park authority in future years without resorting to eminent domain.

The present aim should be to preserve the beaches, dunes, and moors, and prevent further encroachment upon them. To a great extent S. 2636 accomplishes this purpose and is an improvement over earlier suggestions. However, I feel it can be further improved by removal of all threat of expropriation, placing emphasis solely on negotiation insofar as residential property is concerned.

As I shall be unable to attend the hearing at Eastham December 9, I trust that this letter may be recorded in the proceedings. I enclose an additional 14 copies for your use and have forwarded 3 copies to the board of selectmen of Eastham.

Very truly yours,

GEORGE S. MUMFORD.

TRURO, MASS., *October 1, 1959.*

Hon. LEVERETT SALTONSTALL.
Hon. JOHN F. KENNEDY.
Hon. HASTINGS KEITH.

DEAR SIRS: Mrs. Wenneman and I thank you for sending us the section of the Congressional Record relating to your new bills for the Cape Cod National Seashore Park. We have studied it carefully.

Unlike previous bills, your bills provide the right kind of protection for residents who are opposed to being driven from their homes to make way for campsites, picnic grounds, and the like for whoever has the price of a tank of gasoline and a sack of hotdogs and buns. The bills also contain clauses designed to avoid the harassment that would result from locating such facilities immediately adjacent to the homeowner who retains his property.

But in the larger sense of preserving Cape Cod these bills, like the preceding ones, fail to attack the disease they profess to cure. Substantially the same areas are included as in the original bills. But in Truro, at least, the threat to the destruction of the cape by private enterprise does not lie in the area embraced

in these bills. To leave Route 6 outside the park is to ignore the source of the disease. Indeed, to nationalize the area between the ocean and (but not including) Route 6, and (without imposing nationally approved zoning) leave it to the property owners along Route 6 and over to Cape Cod Bay to provide room and board for the horde of park visitors that would be drawn to the cape is to invite more neon signs of even more horrifying design, more gaudy motels and eateries, more souvenir shops selling more atrocities that never should have been created. Under such conditions it would not take long to destroy completely the area outside the park from Route 6 to the bay. And homeowners who retained their properties within the park area would likewise suffer from deterioration of the adjacent area. You would destroy by hastening what you are attempting to arrest. We are concerned because we own a small house on the bay side, as well as our home within the park area on the ocean side.

The cape at Truro is entirely too narrow to be sliced down the middle. The new bills, like the old, can lead to nothing but a proliferation of honky-tonks along the spine of Truro, at the expense of taxpayers and property owners within and without the park area. If Truro is to be preserved it can be done only by integrated development. On a spit of land only 3 miles at the widest point it would be an unpardonable waste of vast sums of tax money to create on one side of the main highway a national recreational area (while preserving within it a community life that goes back to Colonial days) and to place the community on the other side (with the same traditions) at the mercy of almost any drifter who chooses to make his pitch along this truly explosive "Polish Corridor" of Route 6. Millions of dollars of tax money ought not to be invested in property whose value is dependent upon local zoning of the adjacent area. Inasmuch as the Federal Government cannot impose direct zoning, proper national control of the area can be achieved only by including it in the park and then suspending the right of eminent domain if approved local zoning is adopted and maintained. Moreover, the cape's unique cultural, scenic, historic, scientific, and recreational values (to borrow your phrase) exist in at least as great a degree on the bay side of Truro as on the ocean side.

If there is to be a park, the obvious plan is to include all of Truro, ocean to bay, in bills otherwise similar to S. 2636 and H.R. 9050. And in my opinion my reasoning applies with equal force to Wellfleet and Provincetown.

You have said that your bills are not inflexible and have welcomed suggestions. I should appreciate hearing from each of you with respect to my suggestion.

Respectfully submitted.

WILLIAM H. WENNEMAN.

CHATTANOOGA, TENN., *November 27, 1959.*

Representative HASTINGS KEITH,
House of Representatives,
Washington, D.C.

DEAR MR. KEITH: I am a native of Massachusetts and until a few years ago I was a resident of that State. Since I continue to be a property owner and taxpayer in that State, I am very much concerned about the proposed national park on Cape Cod which would be established by several bills which have been introduced in Congress, one of which is the Saltonstall-Kennedy-Keith bill.

I am strongly opposed to the establishment of the proposed national park on Cape Cod for the following reasons:

1. Except from an idealistic and socialistic point of view, there is no urgent or compelling reason for the Federal Government to appropriate and seize an area of approximately 30,000 acres which includes many developed sections in the towns of Provincetown, Truro, Wellfleet, Eastham, and Orleans. There is no precedent or justification for including numerous developed areas having hundreds of fine homes within the limits of a national park. Since public bathing and recreational facilities are now provided by the towns on the fresh water ponds, the desired objectives can be accomplished by taking a limited area along the shore and certain other undeveloped representative areas. Developed sections such as I have described should not be included within the limits of the proposed park.

2. Although Senate bill S. 2636 permits owners of "improved property" to retain lifetime occupancy rights under certain specified conditions, these rights may prove to be illusory and hypothetical. The reason for this is that such property, being surrounded by campsites and recreational areas, will be overrun

and appropriated by campers and tourists who will have no regard for private property located within the limits of a park. Consequently, the owners of such property will have little, if any, privacy and, based on experience in other areas available to the public, property owned by individuals will be desecrated and confiscated.

3. By including developed areas in the park, the overall cost will be prohibitive and not justified. In addition to the estimated initial acquisition cost of approximately $15 million (which is believed to be grossly underestimated), large sums will be needed for surveys, appraisals, development, and reimbursement to the towns for loss of tax revenue.

I and my fellow citizens are very much opposed at being committed by our elected officials to pay by means of taxes huge sums of money for frills and nonessentials when—

(*a*) The present high taxes are very burdensome;
(*b*) The present national debt is approximately $290 billion:
(*c*) There is a prospect of a large deficit this year; and
(*d*) The annual interest charge on the present national debt is approximately $8 billion.

An individual under similar circumstances would be considered very imprudent and foolish to become obligated for the purchase of luxuries, frills, and nonessentials. The Federal Government, which is the functioning body of the people and whose income is derived from the people, should conduct its affairs on a sound, reasonable basis and it should eliminate all unnecessary expenses.

For the reasons outlined above, I respectfully request that you reconsider the proposed plan for a national park on Cape Cod, or at least to consider a modification of the plan so as not to include developed areas within the limits of the park.

I request that you include this letter in the official record of the public hearing pertaining to the proposed national park to be held at Eastham, Mass., on December 9, 1959.

Sincerely yours,

ALFRED H. HALL.

BOSTON, MASS., *November 30, 1959.*

Hon. HASTINGS KEITH,
West Bridgewater, Mass.

DEAR MR. KEITH: In accordance with the proceedings for the hearing of Senate bill S. 2636 entitled "A bill to provide for the establishment of a Cape Cod National Seashore Park," on December 9, 1959, in the Eastham Town Hall, I am writing you my comments and suggestions, with the request that this letter and enclosures be made a part of the evidence.

In my opinion, the bill S. 2636 is much the best bill so far proposed, and goes a long way toward protecting the citizens who find their houses, homes, or farms within the so-called Cape Cod National Seashore.

I have, however, two suggestions which, if adopted, would, I believe, greatly improve this bill and make it acceptable to almost everyone.

First, I would add a provision that any citizen owning a house or home within the boundary of the Cape Cod National Seashore would be entitled to make an individual agreement with the Secretary of the Department of the Interior to the effect that as long as he, or his heirs or assigns, conformed to the zoning regulations of the Cape Cod National Seashore, he would be entitled to own his house and the 3 acres around it, as provided in said bill.

This would be in addition to the similar provision for an agreement between the town concerned and the Secretary of the Department of the Interior, which is already incorporated in bill S. 2636.

As now written, bill S. 2636 gives no protection whatsoever to a citizen, who wishes to keep his home and to conform to the Cape Cod National Seashore zoning regulations, in the case where the town in which he lives fails to live up to or actually rescinds its zoning agreement with the Secretary of the Department of the Interior.

Unfortunately, as we know from recent bitter experience, no reliance can be placed on town zoning policies and ordinances, which are almost as variable as our New England weather.

I recommend that a paragraph be added, substantially as shown in enclosure No. 1 attached hereto.

Secondly, I strongly recommend that the Cape Cod National Seashore be confined, as its very name implies to the seashore; that is, to the beaches, the dunes, the marshes, and a narrow strip of land behind the beaches sufficient only for parking, picnicking, and camping, and that it include only uninhabited acreage or such acreage as may be voluntarily sold to the Cape Cod National Seashore.

I have expressed this recommendation more fully in the letters and maps attached as enclosure No. 2.

Finally, I wonder if any of us fully realize just what we are trying to preserve, and just what effect the Cape Cod National Seashore will actually have on lower Cape Cod?

The National Park Service tells us that they will preserve this part of Cape Cod as it has been, or at least as it is.

Nothing could be further from the truth, in my opinion.

Did you ever stop to think, just what Cape Cod was? Well, it was two quite different things.

First, in the days of the Indians, before the Puritans landed, it was heavily wooded by giant forests from shore to shore, except of course for the beaches, the dunes, and the marshes. In those far-off days, which few of us have ever stopped to try to visualize, there were, needless to say, no rolling grasslands, no distant views of white churches, quaint villages, boats, and harbors. In fact until one actually came out of the dense woods, on to the beaches, dunes, or marshes there was no view at all; not even a sign of the ocean.

Later, as our hardy forefathers cleared the land, built their lovely churches, houses, and villages, and tilled their farms, the vistas opened up. The sea could then be seen across the rolling farmlands; and it was during the 1800's that the Cape Cod we think of, as such, came into being; the Cape Cod we wish could be preserved.

But that lovely, old Cape Cod was the product of our fine Cape Cod people—it was their work, their architecture, their farms, that created the Cape Cod we really want to preserve.

Now what is the National Park Service actually going to do to the best of what remains of old Cape Cod?

First of all, it promises that no more houses will be built, that our fields and open land will be left without private owners, or private ownership restricted to 3 acres at most; in effect it guarantees that all these remaining open spaces will soon be overgrown by scrubby woods.

Nature will take over. It certainly will, and fast. Within 20 years the area of the Cape Cod National Seashore, except for the beaches, dunes, and marshes will be a second-growth wilderness of oak and scrub pine, of poison ivy and briars.

I know, for I have spent considerable money and much hard work trying to keep at least part of my own land as open fields, as it was in the halcyon days of old Cape Cod.

If the park engulfs us, I may be able to keep 3 acres if I'm lucky; the rest of my now open land will become an impenetrable growth of scrub and briar, and every view of the rolling land of Cape Cod and even the sight of the marshes, dunes, and ocean will be gone forever.

So wouldn't we be far better off to have the park take only the beaches, and the dunes, with a modest strip of uninhabited woods and marshes behind them, leaving the rest of the cape for the use of our citizens for homes and farms.

Zoning laws can and must be made to restrict overcrowding, not parks.

I believe that with these amendments your bill will serve as a guide to all future legislation of this character.

Sincerely yours,

QUINCY A. SHAW, Jr.

ENCLOSURE No. 1

SECTION 4(B)(3)

Such authority shall also be suspended with respect to any improved property in any of such towns during all times when the owner thereof shall have in force and applicable to such propery, and agreement with the Secretary subjecting such property to such restrictions as the Secretary has promulgated in accordance with the provisions of section 6(e) of this act.

SECTION 6(E)

As soon as feasible following the date of enactment of this act, the Secretary shall issue regulations specifying the terms of the agreement that he would be prepared to enter into with owners of improved property for purposes of section 4 of this act. Such terms shall contribute to the effects specified in section 6(b) hereof.

ENCLOSURE NO. 2

BOSTON, MASS.

Hon. HASTINGS KEITH,
West Bridgewater, Mass.

DEAR MR. KEITH: As you will see from the attached sheet, I am most anxious to see our beaches and sand dunes on Cape Cod protected, but the plan of the National Park Service, as now written, is causing actual hardship on Cape Cod, and widespread consternation, not only in the immediate area but throughout the United States in the many places from which the tens of thousands of summer residents of Cape Cod are drawn.

This indiscriminate threat to our homes is having vast repercussions among the thinking people of our country—it is not a local problem at all: it is a national threat.

What worries people is the growing fear that no one is safe from this kind of encroachment.

I can assure you that unless there is a meticulous revision of the outlines of this initial park plan so as to exclude all homes and farms, which are not essential to the actual protection of our beaches and dunes, there will be widespread resentment and opposition, which might well result in defeating the entire plan.

If the proposal were limited to the beaches and immediately adjacent areas, it would, in my opinion, and in the opinion of many others, in which are included a number of Cape Cod selectmen and town officials, eliminate practically all opposition.

Sincerely yours,

QUINCY A. SHAW, Jr.

STATEMENT OF QUINCY A. SHAW, JR., BOSTON, MASS.

My family has owned and enjoyed land here in Eastham for nearly half a century; one of my neighbors for over three quarters of a century; and many, many others have owned land and lived on this part of the Cape since the earliest days.

Now the National Park Service of the Federal Government proposes to "take" more than half the entire area of Cape Cod north of the town of Orleans to preserve the national seashore as a "natural monument."

Let me say right off that I am, and always have been, heartily in favor of preserving our beaches and sand dunes, for along our eastern coastline these are truly "natural monuments," and they are in grave danger of being overrun by our expanding population.

In fact, from Maine to Florida our beaches should be protected so that those who live near them and those who come to visit them can continue to enjoy them in their natural, unspoiled state. It is also true that the beaches do need a narrow strip of land back of them for protection, and for parking, camping, and picnicking.

But, to take the upland homes and farms, 1 and even 2 miles back of these beaches, and to make them into a so-called park, is utterly indefensible, and has no relationship to the real objective, which is to protect and preserve the "natural monuments" of this country; i.e., the beaches themselves.

This upland area is not a "natural monument" like the geysers of the Yellowstone National Park, the Yosemite Valley, or even Mount Desert in Maine. It is just a series of nice pieces of land and farms to live on and to enjoy, and to hope your children and their children's children may grow up to enjoy, not as a park but as their own—their homes.

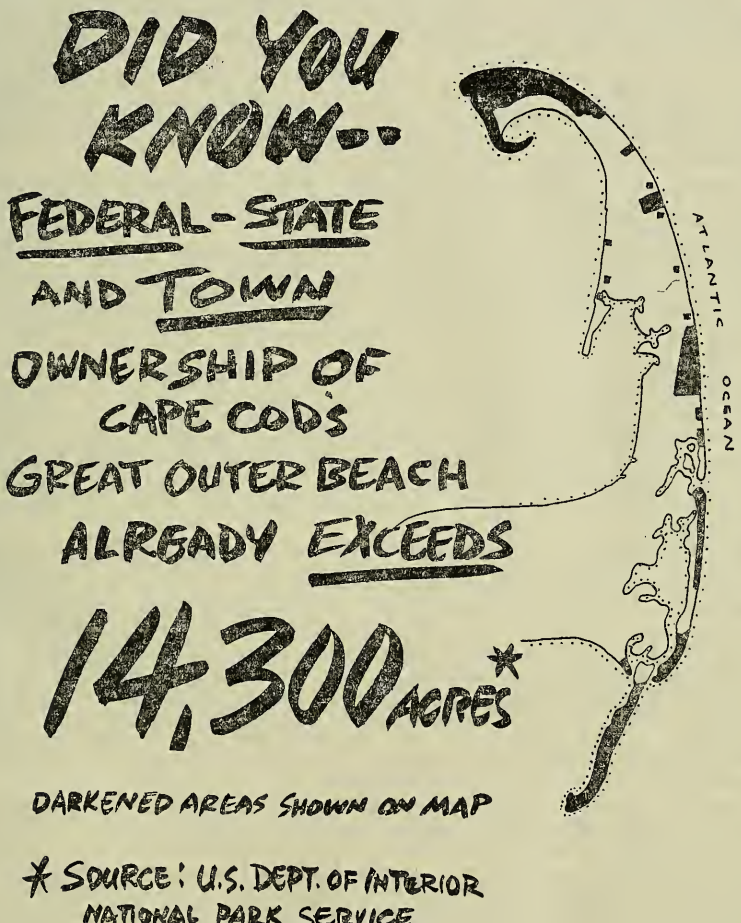
Parks haven't made America great, but homes have.

This upland area has been lived on and farmed since the early 1600's, and still is except for the beaches and the dunes and a few small, adjacent, uninhabited wooded areas.

There is plenty of room for camping, picnicking, and parking on the edge of the dunes and the adjacent uninhabited wooded areas without taking away people's homes and farms.

In fact, if the appropriation of this entire area as now proposed is to go unchallenged, there is no limit to the "takings" the enthusiasts can indulge in under the guise of "natural monuments" and parks, for on that definition every pretty valley, every hill, stream, or meadow is at their mercy, and may heaven help the poor homeowners of this "free country," for, obviously, as now outlined in this proposal, the National Park Service does not distinguish between what is really needed and what is easiest to include—between justice and injustice—and seems to prefer to grab all it can indiscriminately.

Surely before the Congress is asked to decide just what homes and farms, if any, are really essential for the protection of our beaches, this proposal to swallow up half of northern Cape Cod will be carefully revised so that in the end we can applaud our Government's wisdom and justice.


DID YOU KNOW..
FEDERAL-STATE AND TOWN OWNERSHIP OF CAPE COD'S GREAT OUTER BEACH ALREADY EXCEEDS
14,300 ACRES*
DARKENED AREAS SHOWN ON MAP
* SOURCE: U.S. DEPT. OF INTERIOR NATIONAL PARK SERVICE 1958
ATLANTIC OCEAN

[Editorial from the Saturday Evening Post]

NATIONAL PARKS SHOULDN'T BE SET UP BY DECREE

The country's national parks provide recreation for millions of Americans every year. Probably there should be more of them, as the number of bird watchers and people who have sleeping bags and will travel appears to be growing at a prodigious rate. However, the business of increasing our recreation areas, like any other bureaucratic activity, can get out of hand.

This appears to be what is happening in the proposal of the National Park Service to take over a large part of outer Cape Cod, the "Lands End" of Massachusetts, as part of its program to save the Nation's shore areas from undesirable private exploitation. Other areas under consideration for development as national parks are the Oregon Dunes, the Indiana Dunes on Lake Michigan, Padre Island in Texas, and Point Reyes in California.

The Cape Cod situation, however, is unique because the National Park Service has indicated its intention to take overpopulated areas back inland from the shoreline. The NPS proposal calls for the purchase and eventual removal of several hundred houses, many of them of historic interest, principally in the towns of Wellfleet and Truro. This has produced intense controversy, not only among the residents and property owners of Cape Cod but among Americans in other parts of the country who have summer places there or perhaps only a sentimental interest in the old Cape. While there is wide acceptance of the need to protect shore areas, these people question the necessity of destroying whole communities to accomplish that result.

Possibly to circumvent local opposition, Senator Richard Neuberger of Oregon has introduced on behalf of the Interior Department a bill which would empower the Secretary of the Interior arbitrarily to take over sections of Cape Cod or any other area regarded by the National Park Service as suitable for a park, with scant regard to local interest. Instead of adhering to the usual practice of designating specific areas desired for park purposes, Senator Neuberger's bill authorizes the Secretary of the Interior to take over not more than 100,000 acres distributed as he may decide among any three areas in the whole country.

"Upon the selection of the desired areas," says the bill, listed as S. 2010, "the Secretary is authorized to procure, set aside, and develop in such manner as he finds to be in the public interest, the lands and waters, or interests therein, that he considers necessary to assure adequate preservation and public use of such areas in furtherance of the purposes of this Act." There is no opportunity for debate in Congress on the merits of the areas selected, because their identity would be the secret of the National Park Service until it elects to announce them.

No reference is made to an effort to consult the owners of the desired property or how it would be "procured." Former Attorney General Francis Biddle, who owns one of the historic houses in Wellfleet and favors the Government's acquisition of land genuinely needed to protect shore areas, deplores the idea of taking over and eventually destroying whole communities. The Neuberger bill, Mr. Biddle has pointed out, bypasses Congress and in effect denies appeal by the individuals concerned, since they won't know that they are concerned until the bill has been passed and the Park Service moves in. The late President Roosevelt's Attorney General said at a meeting of Cape residents, according to the Cape Cod Standard-Times, that the powers granted in the Neuberger bill were greater than either he or the late Secretary of the Interior Harold Ickes would have dared propose even in wartime.

The outer reaches of Cape Cod consist largely of a spit of sand covered with scrub pine and other hard-scrabble vegetation. There are no outstanding natural wonders, although the National Park Service makes much of the variety of birds and mentions some deep glacial lakes in the area. The real charm of the Cape lies in the fact that it is a community or, if the expression isn't too hackneyed, a way of life. More people are interested in "Cape Cod folks" than in glacial lakes. As Quincy A. Shaw, Jr., of Eastham puts it: "This upland area [of Cape Cod] is not a 'national monument' like the geysers of the Yellowstone National Park, the Yosemite Valley, or even Mount Desert in Maine. It is just a series of nice pieces of land and farms to live on and to enjoy."

Assuming that it is cricket to move several hundred families from their homes to make room for picnic tables and trailer camps, surely some better pretext for doing so can be found than that this is necessary to protect the shoreline

of Cape Cod. The need to do that is almost unanimously accepted. Indeed, Massachusetts State parks already protect a considerable stretch of shoreline. In any event, whatever is done should be spelled out in specific legislation, not put over by means of a vague, blanket authorization as is proposed in the Neuberger bill. If only to protect its own prerogatives, Congress should reject this unfair and dangerous measure.

STATEMENT BY STATE SENATOR EDWARD C. STONE, STATE OF MASSACHUSETTS

The main question before this honorable committee of the Congress is whether in the lands bounded in detail in sections of the suggested bill to establish the Cape Cod National Seashore Park are "values and objectives which are deserving of future protection and preservation in a national park." The quoted words are taken from the excellent and persuasive "remarks" of our two Massachusetts Senators, Hon. John F. Kennedy and Hon. Leverett Saltonstall and the Congressman, Hon. Hastings Keith, who represents in the National House of Representatives the towns wherein would lie the acreage for the Cape Cod National Seashore Park.

There are those of us who maintain that such values and objectives do exist. Let us start with a consideration of the historic values involved. Perhaps a good way to point these out would be to call to mind how these values have been the background for the establishment of a State park in land which comes within the boundaries of the suggested national park.

In the town of Truro is now located the Pilgrim Spring State Park. I had with former Commissioner Lyman of the Massachusetts Department of Conservation (as it was then termed but now called the department of natural resources) and one of the selectmen of the town of Truro found the location of the spring from which the Pilgrims, under Capt. Myles Standish, after landing in Provincetown Harbor and engaged in investigating the countryside thereabouts, drank, having become thirsty and fainting from thirst.

In a State legislative hearing to establish a park at this location, we introduced as a witness a planning consultant who gave evidence as follows:

"I visited (on December 2 and 3, 1954) the Pilgrim Springs at Truro on Cape Cod. It was quite impressive to actually stand beside the source of a drinking water supply, without the finding of which our country's history might well have taken a different course. I remembered the description of this momentous monument from 'Mount's Relations,' that documentary account of 'the beginnings and proceedings of the Pilgrims,' published 1622, re-creating their excitement of their discovery of water in the New World. It reads as follows: 'About 10 o'clock, we came into a valley full of brush wood gaile and long grass, through which we found little paths or tracks. And then we saw a deer and found springs of fresh water of which we were heartily glad and sat us down and drunk our first New England water with as much delight as we drunk in all our life' (November 15, 1620).

"I became puzzled by the lack of recognition of the importance of this spot as a historical site. This seemed even stranger to me when I compared this lack of recognition with the national interest shown in Plymouth Rock, for it occurred to me that without the discovery of these springs, there might not have been a landing on Plymouth Rock."

But there were other considerations of value, for stepping up on a knoll not far from the spring he discovered the unusual scenic beauty of the surroundings of the spring site. He goes on in his testimony, as follows:

"However, this historical appraisal became gradually subordinated as I became aware of—and absorbed in—the expansive landscape background of this historical site.

"I suddenly realized that since these springs were discovered, a phenomenal development took place all over this huge continent in world record time. Yet these sand dunes, marshes, and wooded hills along the Atlantic Ocean had remained just as the Creator and the elements fashioned them with incredible and inspiring beauty. There would be no anachronistic disturbance within sight were the historic finding of the springs to be reenacted here. These sand dunes and hills are—geologically and pictorially—quite different from the typical Cape Cod sand-dune regions. They are more like rounded hills receding behind each other. They offer most picturesque vistas, revealing a single distant peak, a flat

marsh, or a bit of ocean and sky. They are partly covered with vegetation: trees, shrub, and ground cover, more so than the average sand dunes. The vegetation is so rich in variety that the area might well be called a maritime arboretum. Nowhere have I seen so many acres of bearberry (*Arctostaphylos uva-ursi*); bayberry (*Pimenta acris*); beach plum (*Prunus maritima*); and samphire mentioned and described by the famous naturalist, Henry Thoreau, may be enjoyed in many spots.

"The great wonder of it all is that this botanical wealth and this pictorial beauty is still undisturbed. While enjoying picture after picture, it occurred to me that, as a mark of our civilization—and rightly so—we build magnificent art galleries and fill them with manmade paintings at a cost of millions of dollars. We guard these paintings day and night. They are beautiful and inspiring but at best show us but a single stationary interpretation of the landscape. Yet, we allow some of our finest living pictures, that change from sunrise to sunset and all through the seasons, pictures from which our artists gather both inspiration and subjects, to remain brutally exposed to the profit-seeking assaults of 'modern progress.'

"We teach history in a recapitulation of wars and evolution. Our much respected historical war records are battlefield sites, disintegrating statues of generals or guns and cannonballs on the common. Why not with equal respect and with far greater permanence protect the scenes and backgrounds of the history of peace, with its steady development of the physical well-being and the building of character that made this Nation great? These Truro hills offer such a background. I feel that the time will come when nations will be judged as to their greatness not by the wars they won, not by their mighty industrial achievements but rather by the manner in which they enjoy, respect, and protect the natural beauty of which the Creator made them trustees."

These eloquent and persuasive words brought about the passage of the State act authorizing the establishment of the "Pilgrim Spring State Park" because he brought out the historic values of the site and the scenic beauty of the surrounding lands, which alone were sufficient basis for the proposed legislation. He likewise urged the need of protection and preservation in their natural state of these lands. Every argument he urged for the State park applies with even greater force for the Cape Cod National Seashore Park.

But these portions of the contemplated Cape Cod National Seashore Park are not the only ones to have historical values or unusual scenic beauty.

We may start with the extreme eastern end of the proposed park in Provincetown. There exists the many acres of the "Province Lands," acreage purchased in colonial times from two Indians which have remained the property of the Commonwealth ever since. It would be difficult anywhere to find a greater extent of marvelous, grand sand dunes than now exist there, and between the Province Lands and Truro. Already do we see evidences of their being despoiled by machinery and the sand carted away in freight cars.

It might be noted that from an elevated spot in the Province Lands, one by rising early in the morning may see the sunrise out of the ocean and by coming at time of sunset behold the sun sink into the salt waters of Cape Cod Bay. On no other point on the mainland, along the entire Atlantic coast from Canada to Mexico, can this phenomenon be observed.

Other points of historic interest are to be found in Eastham. One is the "scene of the first encounter with the hostile Indians." (The same band of Pilgrims under Capt. Myles Standish had a brush with the Redskins on the Cape Cod bayside.)

And near this was discovered by the Pilgrims a mound upon digging into which was found a wicker basket filled with Indian corn, the kernels of which must have been the hardy ancestors of even that later grown in Iowa "where the tall corn grows."

Eastham's soil in colonial days was probably among the most fertile soils of the entire Plymouth Colony, and the history books tell us that in two different winters the Pilgrims at Plymouth were saved from starvation by what was grown on the lands in Eastham.

Enough for the present of the history of the region. The natural scenic beauty referred to by the planning consultant likewise pervades the entire acreage of the Cape Cod National Seashore Park from the Province Lands to the tip of Monomoy, now an island. Reference was also made to Thoreau who in his Cape Cod journeys in equally enthusiastic words described the vastness of the scenic beauty of the entire shore and hinterland. We have as an additional

reason for the protection and preservation of this remarkable scenic beauty the opportunity of future generations to enjoy the literary genius of Thoreau in his descriptions of what he saw.

We must not overlook the fresh-water ponds that nestle here and there throughout the region, each adding touches of beauty to the landscape and being watering places for all kinds of wildlife.

In the brochure, "Our Vanishing Shoreline," put out by the National Park Service after their careful study and survey of the entire Atlantic coast from Canada to Mexico, emphasis is placed on the uniqueness of this entire tract, being probably the most beautiful from the standpoint of scenic beauty of the still remaining unspoiled tracts along the entire coast.

Little further need be said for arguing that there are in the lands in question "values and objectives which are deserving of future protection and preservation in a national park." Indeed, it is not too great an exaggeration to say that such are the natural, undisturbed scenic beauties in the extent of the limits of the suggested national park that people from all parts of the United States west of the Hudson River would come to behold them as do we from the East journey to the Grand Canyon to behold grandeur of a different sort.

Now to discuss certain sections of the bill. In the first place it must be remembered that we are not dealing with the wilderness or large forest area wherein are established national parks. We are concerned with some small towns where people have lived for generations, where a way of life has been created and observed. Not only are these inhabitants vitally interested in what may become of their homes and their own future places of residence but if the national park lands are to be free of local taxation the towns themselves as municipal corporations may well suffer considerable loss of revenue, thus increasing the burden of local taxation upon the towns' citizens.

The sponsors of the bill, our Senators and Representative, have indeed worked out a remarkably good plan for dealing with this situation. Everything they have suggested warrants the most careful consideration and may well remain incorporated in the bill they have sponsored. Every sympathetic consideration should be given to any further suggestions coming from these hearings.

An admirable start has been made in the drafting of the bill and provisions for payments in lieu of taxes to the various towns involved should be adopted. Particularly is this so when we remember that, when the Commonwealth takes land for park or other public purpose, an annual payment in lieu of taxes is provided by law by taking the average value of the assessed values of the land in question for a period of 3 years prior to the taking and a payment at the annual rate of taxation made upon this average value.

We may be well advised to have further conferences and hearings on these important final matters for consideration, and as I understand that there will be further hearings this coming year of 1960, I should like to reserve my right, if any, to deal finally with this aspect of matters until such further hearings are held.

Representative KEITH. The selectmen of Chatham have presented strong arguments in favor of eliminating Morris and Monomoy Islands from the park. I agree with them. I feel certain that today's hearings will furnish sound reasons for further changes in the boundaries of some of the other communities.

There is a letter from Quincy A. Shaw, Jr., a longtime landowner in Eastham. Although heartily in favor of preserving our beaches and sand dunes, he is concerned about the extent of the land taking.

He also points out the difficulty that could arise in the event that a town fails to enact or maintain zoning regulations satisfactory to the Secretary. He recommends, therefore, that the Secretary be authorized to enter into contracts with individual homeowners which would guarantee to them benefits similar to those available in towns where reasonable zoning is maintained.

Edward C. Stone, who is State senator who represents this district at the State House, has written with particular reference to the preservation of the character of the cape. A letter from him is at-

tached and I know is worthy of your study. He is unable to be present today but has assured me that he will attend future hearings.

I would like to quote just briefly from Senator Stone's letter on this subject.

> Now to discuss certain sections of the bill. In the first place it must be remembered that we are not dealing with a wilderness or large forest area wherein are established national parks. We are concerned with some small towns where people have lived for generations, where a way of life has been created and observed. Not only are those inhabitants vitally interested in what may become of their homes and their own future places of residence but if the national park lands are to be free of local taxation the towns themselves as municipal corporations may well suffer considerable loss of revenue, thus increasing the burden of local taxation upon the town's citizens.

I should say in passing that I think, sir, that if the bill as was drafted by Senator Saltonstall, Senator Kennedy, and myself becomes the basis of this proposed seashore, that there is not as much concern over the tax revenue for the town, as is evidenced by some of those who are studying the matter at the moment, because it is the intent of our legislature to permit people to continue to live within the present homes and to leave them to their heirs or sell them to whomever they please as long as the towns enact reasonable zoning legislation. It is that point which Mr. Shaw made when he said if the towns do not enact this reasonable zoning law, thereby permitting the town's people to continue to live where they are and pay their taxes to the towns, he believes that they should have an opportunity to enter private contracts with the Secretary of the Interior, giving them the same advantages.

Senator Stone goes on to say:

> An admirable start has been made in the drafting of the bill, and provisions for payments in lieu of taxes to the various towns involved should be adopted. Particularly is this so when we remember that when the Commonwealth takes land for park or other public purpose, an annual payment in lieu of taxes is provided by law by taking the average value of the assessed values of the land in question for a period of 3 years prior to the taking and a payment at the annual rate of taxation made upon this average value.
>
> We may be well advised to have further conferences and hearings on these important final matters for consideration, and as I understand that there will be further hearings this coming year of 1960, I should like to reserve my right, if any, to deal finally with this aspect of matters until such further hearings are held.

There is, also, the thoughtful suggestion of Joshua Nickerson, who, I understand, will be speaking at this hearing. In addition to his concern over the extent of the land taking, he recommends more authority be vested in the proposed Advisory Commission.

Senator Stone, well known to, I would say, all of this audience, has been chairman of the committee on taxation here in the State of Massachusetts, has served on Ways and Means, and could be of considerable assistance to your committee in deliberations on the State and local aspect.

Mr. Chairman, we are not dealing, as I said at the time I introduced my identical bill in Congress, with the usual relatively undeveloped park area. These are prosperous and attractive communities involved. They must be preserved and protected.

We would lose more than we stand to gain if this legislation does not adequately preserve and protect the towns of Cape Cod. I hope

and believe that these hearings, and those which follow, will enable the Congress to enact legislation which will bring mutual benefit to these towns and to our State and Nation.

Thank you very much for giving me an opportunity to testify today, and I do not want the audience to feel that just because I am sitting up here I am on this side of the fence. I would like to be down there because I am your Representative in Congress and it is your point of view which I will be reflecting as this measure nears the Halls of Congress for debate. But I do think I can be of some assistance in identifying Slim Hutchins and others as they come forward, to the secretary in helping him with some of the details of the bill. It is in your behalf that I sit up here.

Thank you very much, sir.

Senator Moss. Thank you, Congressman Keith.

I appreciate very much your sitting with us.

We have a number of representatives such as Mr. Charles Foster, the commissioner of the department of natural resources.

We are happy to have you, Mr. Foster, and representatives of governmental agencies. Perhaps we will have testimony from them as we go along. We are pleased to have them here at the hearing and to have their counsel available to us.

We will now begin by calling witnesses who have been placed on the list.

I think perhaps you know that we are inviting people who wished to testify to submit their names, and then there was a division made of time between the various towns so that we could be sure to hear all points of view. We are going to have to hew rather closely to the time limits that we have because we want to be sure to cover in this hearing the point of view of all different groups and people from different areas. We will proceed, though, in that manner and I will ask the staff directly not only to call witnesses and ask you to come very quickly to the stand as your names are called, perhaps you can also call one in advance so he will know he is next up and in that way we will move along as rapidly as possible.

Thank you.

Mr. Callaghan. Mr. Foster will be the first witness and he will be followed by Mr. McNeece and Mr. Hutchins of the town of Chatham.

You come right up at this table here, Mr. Foster, please.

Senator Moss. Mr. Foster was my very expert guide on the helicopter this morning. He pointed out every house, I think, that we flew over.

STATEMENT OF CHARLES H. W. FOSTER, COMMISSIONER OF NATURAL RESOURCES, STATE HOUSE, BOSTON (ON BEHALF OF GOVERNOR FURCOLO AND HIMSELF)

Mr. Foster. Thank you very much, Senator.

Mr. Chairman, distinguished other members of the table to my right, I would like to say, first, before my name, that I feel we are most privileged in having someone such as Senator Moss with us. I can say this most sincerely, having been, as he mentioned, a passenger on the helicopter this morning, and I can assure you of his continued

interest as we passed over many of the outstanding features of the area in question.

I am Charles W. H. Foster, Massachusetts Commissioner of Natural Resources. I am here today with two hats on. I have been asked by His Excellency Gov. Foster Furcolo to represent him at the hearing today and to read, if I may, a statement of his, Senator.

Senator Moss. You may, please.

Mr. FOSTER (reading):

The Commonwealth's outdoor resources have long provided strength to its economy, opportunities for enjoyment to its people, and a never-ending source of attraction to the countless visitors who annually seek its unique combination of cultural, historical, and recreational values. Few portions of the Atlantic coast can compare in this respect with Cape Cod.

Upon this great peninsula stretch still unspoiled expanses of ocean beach, a wealth of natural, geological, and historical interest, and a type of community life for which the Nation is world renowned.

Yet, in a small State such as Massachusetts, already densely populated, the pressures for available land and water can erode with serious manmade force even tracts of acknowledged beauty and value.

I am informed that the Cape Cod area, now under consideration by your committee represents one of the last uninterrupted stretches of natural coastline still remaining on the entire Atlantic seaboard—in many ways a sincere tribute to the previous concern of Cape Cod itself that these values are passed on undiminished to subsequent generations.

Recognizing the steady encroachment threatening this unparalleled portion of Massachusetts, despite all efforts at the State and local levels, I recommended in January of 1958 that the general court memorialize the Congress of the United States to set aside the area for the public good.

In supporting action, the Massachusetts Legislature called upon Congress to establish a Cape Cod National Seashore—"to be a source of health and inspiration to all the people of the United States and their descendants forever."

I am happy to state that in 1958, Representatives Thomas P. O'Neill, Edward P. Boland, and Philip J. Philbin filed legislation to that end. This year I am informed that the entire Massachusetts delegation is in support of the measure, with bills filed by Senators Kennedy and Saltonstall, as well as Congressman Keith of that area.

As Chief Executive of the Commonwealth, may I urge your committee to look with favor upon Senate bill 2636, in order that the first national seashore in Massachusetts may soon be established and an opportunity may be enjoyed not just by our citizens, but shared by those from all parts of our great country."

I would also like to say that the board of natural resources, the policy body of my department, has asked me to record them unanimously in favor of the bill presently before your committee.

I would also like, if I may, to make a few brief comments on the bill as commissioner of the department of natural resources.

I will support these fully, if I may, in a written statement to be furnished your committee shortly after this hearing.

Senator Moss. That may be done. The record will be held open and you may furnish such additional data as you care to.

Mr. FOSTER. Thank you, Senator.

I do not believe it is any surprise for a commissioner of natural resources to be here in support of a Cape Cod Park. Almost a decade ago, a former commissioner, Mr. Arthur T. Lyman, suggested the establishment of a national park on Cape Cod. My immediate predecessor, Francis W. Sargent, a native Cape Codder himself, not only supported the park but spoke out vigorously against the steady encroachment that was taking place by commercial interests. So I am merely the third in line of a set of State resource officials

who have attempted to clearly and consistently support the substance of the bill now under consideration by this committee.

I would like to briefly point out the long tradition of concern by the Commonwealth for the values that are here in the proposed bill.

The earliest action of the cape took place in the Provincetown area with the establishment of the so-called Province Lands, dating back actually to the year 1691, reinforced by an act of the general court in 1854.

One hundred years later the Massachusetts Legislature authorized my department to acquire the tract known as Pilgrim Springs. A third act more recently authorized the acquisition of an intervening tract which would connect the Pilgrim Springs area with the Province Lands.

I think I should mention the tradition that we hold sacred here in the Commonwealth, our so-called Great Pond concept dating back to the days of the early colonial legislatures who set aside all ponds, natural bodies of water, 10 acres or more in size to be used by the public for fishing and fowling.

I might add that this tradition has been as vigorously upheld in recent years as it was in the days of the colonial legislatures.

I also ran across a recommendation of one of the early harbors and land commissions in our State who at one time recommended that a strip something like 500 feet deep be set aside for the public good around all great ponds and along the coastline of the Commonwealth. I think you can all recognize what would have happened today, what would have happened if that recommendation had become law.

I should also mention that there has been action by the towns themselves to do a part of this job and a preliminary survey of town action along such lines showed that over 100 town beaches and landings have been established over half of these within the area that we are talking about today.

I make these points for the following purpose, to show that State support for this bill. Senate 2636 is in no sense a defaulting of the State's own responsibilities in this particular field. It is merely a situation where in our opinion the job to be done on the cape financially speaking now exceeds the ability of either the State or the communities themselves.

I would like to illustrate this, if I may, with a few figures from our own situation in Massachusetts. In 1957 a thorough study was made of the State's problems in the recreation field, the reservation field and as a result our recommendations were made showing a substantial job that needed to be done. If I may, Senator, point to a few illustrations of this.

The chart on the left shows in graphic form the total job that was estimated needed to be done at the State level, essentially a fourfold increase in land and facilities from 1957 to the year 1977. This was a job that was visualized as the State's responsibility. You can see on this graph the financial job that also had to be done, a $60 million appropriation over the first 5 years of this program. Down here in the bottom is an indication of how well the State has been able to do under its present fiscal condition. Only $2 million in the first 2 years of this program as opposed to a recommended $28 million.

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I make these points merely to show that although the State and the communities themselves are taking an interest and are attempting to meet some of the demands within the State and on the cape at the present time our ability to do so effectively is extremely limited.

I would also like to make the third point along such lines that the partnership features of Senate 2636, including the encouragement of zoning at the community level, the 10 percent development clause, the possibilities for communities to cooperate in the form of an advisory commission, are all what I consider to be highlights of this particular legislation. In a real sense a partnership undertaking not merely a defaulting of our responsibilities to the Federal Government.

I would like to point out, if I may a few communities as I see it in the bill before you. One major stretch, of course, is the preservation of some of the country that you were able to see this morning. Under the shorelines study of the Park Service, Cape Cod was classified as the last uninterrupted stretch of natural beach in New England. It was also classified as one of the most outstanding along the entire Atlantic coast. I won't attempt to document the natural features that are there, the features of historical and cultural value. These are well documened in the Park Service report of 1958.

I would like to comment very quickly that one of the highlights of the area we are concerned with is that there is a meeting of north and south ranges of all forms of organisms and as a result we have a prolific opportunity along the lines of natural history and such studies.

I would like to also point out, as you have seen yourself this morning, Senator, the endless scenic variety of the proposed park, the dunes, headlands, forest and upland, these deep kettle hole ponds, areas of salt marshland, all within what we would normally consider a very limited area.

Without any question, it goes without saying that the park proposed in S. 2636 also embraces some of the fundamental points of historical interest we have in the Nation.

Cultural values I think are also obvious in that there is more here than just items of natural, geological, historical interest but a whole way of life, a set of living conditions that are as much a part of this park as its natural features.

My point along these lines is that in my opinion the boundaries of the park described in S. 2636 seem to be the minimum necessary to preserve these very valuable features of the Cape Cod area.

I would like to point out another set of opportunities that seems to be made possible by the bill before you, the outdoor recreation opportunities.

I believe that the Nation as a whole is in the middle of an outdoor recreation boom caused by many factors, a population increase, and again in our own State we are facing by our best estimates a 17 percent increase in population by the year 1970. We are already small and most heavily developed.

A shorter workweek is now permitting more people to seek outdoor pursuits. An increase in disposable income, the ability now of people to travel, ownership of automobiles, access facilities, new highway systems in Massachusetts, all contribute to the vulnerability of our own area here in Massachusetts.

I might also point out the renewed interest we have almost everywhere in seeking the outdoor forms of recreation.

I would like to point out graphic proof that this trend is affecting us seriously here in Massachusetts and point out very quickly, if I may, from our own attendance figures the kind of a trend that is troubling us and the remedy which the proposed park would seem to provide.

Here is what has happened for the past 5 years in our State park attendance figures. A steady trend up on the magnitude of about 10 percent a year, the only difference being in some of these years weather conditions that could keep more people from using our own facilities.

As you can see, this is a trend for which we are seeking assistance and one of the reasons why we are greatly interested in the bill before you.

My point here is that under the terms of the present bill public recreation opportunities will become available and furthermore, that the shape of the proposed park seems to be in our opinion of a form that would not only maximize the recreation usage but would tend to do so without major abuse, not only to the area itself but to the surrounding communities that would have to live within a proposed park.

I would like to talk for a moment about the economic bargain opportunities, a subject that you will undoubtedly hear more about later.

We have a vacation travel business in Massachusetts which is now the third largest Massachusetts industry, amounting to almost $400 million last year, perhaps $100 million of this coming from the cape alone. On the cape an average season the population will increase threefold from summer visitors. The presence of the park in an area has been well documented by the National Park Service and I will not go into those details. The tendency is not only to increase the flow of business but also to increase property values in an area surrounding the park. We have run across this in our own State situations and are able to document it to a degree.

The present studies contemplated pointing out the economic impacts of the proposal before you will certainly document this subject far better than I can do. But in my opinion the proposal as outlined in this bill will undoubtedly have a major effect on the cape, a major beneficial effect as well as producing benefits to other parts of not only our State but the region.

I would like to state, however, categorically here, that I would not support the proposal for economic reasons alone if I did not sincerely believe that the park when established would be administered adequately, equitably and without detriment to its outstanding natural quantities.

If all of these points are so, there is no reason to do other than hope that S. 2636 would be enacted as quickly as possible.

I would like to point out some of the heavy costs of delay, as I see them. There are few master plans in the Cape Cod region or within the communities themselves. There is little effective zoning to control unwise development, certainly in the towns affected by the proposed bill. This is the trend along our entire coast, the entire Atlantic coast. It is not peculiar just to Cape Cod and perhaps the fact that there still is a relatively unspoiled area indicates the sincere attempt of the cape to hold the commercialization under a degree of control.

A study in 1955 by our State department of commerce pointed out that 300 acres of choice land are lost annually on the cape to residential development.

I would estimate without any real factual evidence behind me that perhaps 50 houses have already been constructed in the proposed area since the issuing of the 1958 report.

We are very conscious of these pressures on land and water in Massachusetts, of our own situation of a long list of projects available and recommended in 1957; analyzing what is left of these projects just recently showed that perhaps 60 percent, almost 70 percent were no longer available due to the competition of other uses.

As a commissioner of natural resources I am equally concerned about the cost of delay in physical terms. For example, the headlands that we saw in the Truro, Wellfleet studies made by our own State erosion specialists, specialist at the Woods Hole Oceanographic Institute, have shown a steady rate of erosion of over 3 feet each year. This, of course, could mean serious trouble if developments were permitted. Furthermore, the material eroding from those headlands is the material that is used to nourish the other regions of the cape, the Provincetown area, the berry beaches, at Nauset and at Monomoy. As you can readily imagine the relationship between all of these areas is extremely critical.

I am also concerned in my official capacity with the rapidly diminishing marsh areas, a major portion of which are included in the proposed bill. We are beginning to discover as a marine fisheries agency that these marsh areas can have critical importance to many species of fish and shellfish.

In summary, then, in my opinion the bill before you, S. 2636, if promptly implemented offers what I consider an opportunity not just to our State but also the Federal Government.

I would like to point out the geographic location of the area in question, that it lies within a 600-mile urbanized area that now extends from Portland, Maine, to Norfolk, Va.

I would like to point out, if I may, graphically in this chart that our State and the area where we sit today is now within a day's drive of 50 million people. Part of this is due to our rapidly expanding highway system but it certainly is an indication of the need for some very sound and basic thinking in terms of the future of the Cape Cod region. Over half our summer visitors on Cape Cod now come from outside New England so the proposal before you is more than just a Massachusetts proposal.

Although the initial outlay may seem large to establish the proposed park, I would like to point out that there are several advantages to the Federal Government. In the first place, there is this question of accessibility. It can serve the needs under careful control of a large number of people.

I might point out that a benefit of moving into a region where there are already good access facilities services already being provided by neighboring communities means that the expenditure by the Federal Government would be substantially less to make the park a working proposition.

I might also point out that here on Cape Cod we have another advantage in that three major types of park needs are going to be ful-

filled. Here we have scenic opportunities, recreation opportunities, and of course major historical benefits. There are advantages, as I see it, to the Federal Government, in having all three of these within a single park.

In closing may I express my official and personal appreciation through the committee to sponsors of S. 2636 for what I consider to be their sincere and conscientious attempts to draft a bill that would properly recognize the human as well as the natural features of Cape Cod. May I also offer to the committee my unqualified endorsement of S. 2636 in its present form and my promise of the fullest cooperation in the event of its passage.

Thank you very much.

Senator Moss. Thank you, Mr. Foster, very much.

I am impressed with your testimony and I can reinforce one observation, the excellent roads that now come into this area. We drove from Boston in here last evening and it seems to me you have a wonderful road net down onto the cape now.

Are there any questions or comments from the Senator or the Congressman?

Thank you very much.

Senator Moss. I have received a number of letters and telegrams which I have just opened this morning. These will be placed in the record. All of them appear to be favorable to the establishment of the park.

They will be part of the record at this point.

(The communications follow:)

PLYMOUTH, MASS., *December 7, 1959.*

Senator FRANK E. MOSS,
Chairman, Public Lands Subcommittee, U.S. Senate Committee on Interior and Insular Affairs, Eastham Town Hall, Eastham, Mass.:

The Massachusetts Federation of Sportsmen Clubs, Inc., representing over 10,000 sportsmen, in convention assembled on September 27th voted unanimously to favor Senate bill S. 2636 to establish Cape Cod National Seashore Park.

Massachusetts sportsmen want their natural resources used wisely for the benefit of all for the longest possible time. Senate bill S. 2636 would accomplish this in a fair equitable manner. We urge favorable consideration of S. 2636.

EMMETT B. BAKER,
President, Massachusetts Federation of Sportsmen Clubs.

FALLS CHURCH, VA., *December 8, 1959.*

CHAIRMAN OF THE PUBLIC LANDS SUBCOMMITTEE OF THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS
Care of Eastham Town Hall, Eastham, Mass.:

Massachusetts Beach Buggy Association, numbering 1,350 members, would appreciate very much your placing our organization on record as favoring the bill for the establishment of a national seashore park on Cap Cod.

GEORGE GEDDRY, *President.*

WASHINGTON, D.C., *December 8, 1959.*

Hon. FRANK E. MOSS,
Senate Subcommittee Hearing,
Eastham, Mass.:

American Auto Association watches with interest your current hearings on proposed Cape Cod national seashore.

We consider preservation of this area of utmost importance from standpoint of natural conservation and for recreational benefit to the American motorist. We

congratulate you and members of your community and those local citizens for their foresight and pioneering efforts to preserve this seashore area.

RUSSELL E. SINGER,
Executive Vice Chairman.

WASHINGTON, D. C., *December 4, 1959.*

Hon. JOHN F. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: A national seashore on Cape Cod seems to us urgently needed to preserve the unusual beauty of this coastal area for the enjoyment of this and future generations. With all the good will in the world, it will be impossible for towns and private individuals by themselves to resist the spread of crazy-quilt, blighting commercialization that has already engulfed great stretches of the eastern seaboard. The protection of the Federal Government is indispensable. Of almost equal importance is the enactment by the towns of comprehensive zoning regulations to prevent rapid degeneration of the area remaining outside the park.

We believe that to accomplish its purpose the national seashore should be no smaller than that proposed by the National Park Service and by S. 2636, including ocean beach, dunes, woodland, moors and marshes, lakes and bay shore, and charming old houses. We approve, in the main, the provisions of S. 2636, although we are not clear as to the effect of section 5 and we believe that if possible the bill should provide protection against commercialization of the areas contiguous to the park, as well as of private lands within the boundaries of the park.

We attach the names of 325 signers of a petition "for the establishment of a Cape Cod National Seashore with boundaries substantially similar to those proposed by the National Park Service." Of these, more than 140 own property on lower Cape Cod, 100 are registered voters there and many of the others are regular summer visitors of long standing. Recently, 130 Cape Cod artists, writers, and musicians addressed to you, Senator Saltonstall and Representative Keith, a letter supporting in substance S. 2636.

Among the signers of these two documents are such distinguished native sons as Explorer Donald D. MacMillan and Joseph C. Hawthorne, conductor of the Toledo and Provincetown Symphonies. Mary Heaton Vorse, noted writer, has been a resident of Provincetown for over 50 years. Artists Edwin Dickinson, Hans Hofman, Karl Knaths, Jack Tworkov, and others whose work is internationally known, have lived and worked on the cape for a great many years. Ross Moffett, an authority on the archeology of the cape, as well as an artist, has lived there since 1916. My husband and I and our families have been property owners on the cape for over 40 years.

We respectfully request that this statement be inserted in the hearings to be held on the cape December 9 and 10, 1959, by the Public Lands Subcommittee of the Senate Interior Committee.

Very sincerely yours.

MIRIAM and JOHN DEWITT.

(The 325 signatures are on file with the committee.)

WELLESLEY, MASS., *December 6, 1959.*

Senator FRANK MOSS,
Hearing on Cape Cod National Seashore,
Eastham Town Hall, Eastham, Mass.

DEAR SENATOR MOSS: Just a line to let you know that a great many people in this part of Massachusetts are hoping that we shall have the proposed national park on Cape Cod.

This is such a crowded part of the world that even to think of such an area so near us, safe from development, would be a blessing.

Yours truly,

MARY H. FYFFE.

N.E. FARM & GARDEN ASSOCIATION, INC.,
Boston, Mass., December 7, 1959.

Hon. FRANK E. MOSS,
Chairman, Public Lands Subcommittee of the Senate Committee on Interior and Insular Affairs, Eastham Town Hall, Eastham, Mass.

DEAR SENATOR: The board of directors of the New England Farm & Garden Association has voted unanimously to go on record as approving S. 2636, the bill filed jointly by Senators Kennedy, Saltonstall, and Congressman Keith, which would authorize the establishment of a Cape Cod National Seashore Park. Will you be kind enough to see that this vote is recorded in the reports of the hearings?

We are all greatly disturbed by the increasing organization and commercializing of the Atlantic shoreline and deeply concerned to have some of the beauty preserved for future generations.

Sincerely yours,

ELIZABETH K. COOK.
Mrs. Robert H. Cook,
Corresponding Secretary.

BOSTON, MASS., *December 6, 1959.*

Senator FRANK E. MOSS,
Chairman, Senate Committee on Interior and Insular Affairs.

MY DEAR MR. SENATOR: May I take this opportunity to register myself as in favor of the passage of Senate bill 2636 relative to the proposed Cape Cod National Seashore Park?

As a resident of Massachusetts and familiar with Cape Cod over many years, it is evident that with the passage of years the beauty of the cape will shortly be absorbed and lost in the onrush of modern days.

This bill seems to promise something that is necessary to save this unique area.

Very respectfully yours,

(Miss) KATHERINE V. PARKER.

WELLESLEY HILLS, MASS., *December 5, 1959.*

Senator FRANK MOSS,
Chairman, Senate Hearing,
Town Hall, Eastham, Mass.

DEAR SENATOR: Since it is impossible for me to attend the hearing on December 9, I am writing to urge passage of bill S. 2636 to establish a national seashore park on Cape Cod. This must be done now before it is too late.

Will you please see that this letter is incorporated into the record of the hearing on December 9? Thank you.

Sincerely,

ETHEL SANDERS.

STATE OF CONNECTICUT,
PARK AND FOREST COMMISSION,
Hartford, Conn., December 4, 1959.

Senator FRANK E. MOSS,
In Care of Eastham Town Hall,
Eastham, Mass.

DEAR SENATOR: It is my understanding that a meeting will be held on December 9 and 10 by the Subcommittee on Public Lands concerning the proposed Cape Cod National Seashore Park.

We in Connecticut are extremely interested in this possibility, for each summer our Connecticut State parks are taxed 'way beyond capacity. The relief that a new national seashore park would provide would be gratefully appreciated by us and I urge you and the others of your committee to give favorable consideration to the establishment of this section of Cape Cod as a national park.

Very truly yours,

DONALD C. MATHEWS, *Director.*

SPRINGFIELD CHAPTER,
IZAAK WALTON LEAGUE OF AMERICA,
Springfield, Mass.

Senator FRANK E. MOSS,
Public Lands Committee,
Eastham, Mass.

HONORABLE SIR: In keeping with its 1960 program and that of the Izaak Walton League of America of "Save Our Shorelines" the Springfield chapter, 150 members of conservationists, are in favor of our Federal Government establishing what will be known as Cape Cod National Seashore Park.

Don't let the name of Izaak Walton fool you and your committee. This is not strictly a fisherman's club. We are all dedicated to the conservation of our natural resources, woods, waters, lands, and wildlife.

We all believe in the aims and purposes of the Izaak Walton League of America, and pledge our aid and support in the protection and restoration of America's and the State's soil, woods, waters, and wildlife; to help increase opportunities for outdoor recreation and safeguard public health; to hunt and fish in accordance with the law; and to respect the property rights of others and to further all efforts to foster the wise use of all natural resources.

This covers all that Cape Cod National Seashore Park is intended for.

Very truly yours,

LEO S. "BUDDY" MARCEAU,
President.

SPRINGFIELD UNION FISHING CLUB,
Springfield, Mass., December 7, 1959.

Re Cape Cod National Seashore Park.

Senator FRANK E. MOSS:

At its last meeting the Springfield Union Fishing Club, of which Arthur Godfrey of CBS fame is the 10,000th member, has gone on record as favoring legislation which would create the Cape Cod National Seashore Park.

This is the most unique club in the world as all senior members are 60 years of age and over and companion members going from 5 years of age to 59. We are about evenly divided in our fishing, both salt and inland water enthusiasts.

Massachusetts must save some of its shoreline for future generations and much start during this generation to acquire lands. The creation of Cape Cod National Seashore Park would be a great help to the commonwealth's oldsters and youngsters.

Truly yours,

HARRY MAGEE, *President.*

WILLIAMS COLLEGE,
Williamstown, Mass., December 5, 1959.

Hon. Senator FRANK MOSS,
Eastham Town Hall,
Eastham, Mass.

MY DEAR SENATOR MOSS: In my opinion, the legislation proposed in Senate 2636, introduced by Senator John F. Kennedy and Senator Leverett Saltonstall, and the House bill, introduced by Congressman Hastings Keith, of Massachusetts, represent the last good opportunity to preserve the unique natural resources of one of America's most valuable coastal regions.

I have spent much of my life in education, but the outdoors has been equally important to me. In the years 1957 and 1958 I visited almost every national park and monument in the United States, as well as similar areas in other countries. These were not my first experiences in our national parks, and I can say with utmost conviction that the American people owe a debt of gratitude to the National Park Service, the Fish and Wildlife Service, the U.S. Forest Service, and other agencies which can never be fully repaid. They have preserved for our enjoyment and inspiration the great natural wonders of the United States. It is ironic that, during a period when population is multiplying rapidly, the number of remaining unspoiled park spaces is dwindling before the advance of the bulldozer. There are few such areas of major importance and Cape Cod is one of them.

The National Park Service has surveyed the Atlantic and gulf coasts in exhaustive detail to discover what is left for the people's use. Eighty-five percent of these coastlines are not available for public use because of other

developments. The National Park Service found no counterpart to Cape Cod's Great Atlantic Beach. This area stands alone for many reasons: The mountainous dunes of Provincetown; the 15-mile bank which runs behind portions of the beach; the beautiful fresh water ponds; the profusion of plant, animal, fish, and bird life; and its historic connection with the earliest days of our Nation. The preservation of this area would assure future generations opportunities for the study of the outer cape's geology, biology, and ecology, which could be forever lost, should it turn into a vast seashore cottage city.

I believe that S. 2636 has been designed to cope with the special problems of the Cape Cod town within the proposed park boundaries and that it is an honest and realistic attempt to give fair treatment to both towns and landowners. This legislation contains provisions unique in the establishment of national parks, all designed to preserve the rights of the citizens of the towns and the unique flavor which makes Cape Cod distinctive and attractive.

Delay in adopting such a program as outlined in this legislation will inevitably result in reducing the value of the rich natural resources of the cape. I hope that Congress will enact legislation and funds to do the job speedily. If so, future generations will have reason to thank us.

Sincerely yours,

ROBERT R. R. BROOKS, *Dean.*

APPALACHIAN MOUNTAIN CLUB,
Boston, Mass., December 4, 1959.

Hon. FRANK E. MOSS,
Chairman, Subcommittee on Public Lands, Senate Committee on Interior and Insular Affairs, Eastham Town Hall, Eastham, Mass.

MY DEAR SENATOR MOSS: The Appalachian Mountain Club, founded in 1876, with a present membership of over 7,000 persons, is vitally interested in the preservation of open spaces and natural scenic areas. Especially do we feel it a matter of concern when the area is so outstanding and so near our Boston headquarters as Cape Cod. Alarmed by the progressive exploitation which threatens to bar the public from this region, we endorse the proposal for a national park covering the great outer beach and certain inland tracts as laid down in the Park Service proposal, modified by the bill recently filed by Senators Saltonstall and Kennedy and Representative Keith. Since the first suggestion we have favored a park to protect this region.

Its historical importance, biological and geological significance are but factors which added to the magnificence of the great outer beach; the charm of the inland hills and streams, the sweep of the open uplands make this a locality preeminently suitable for park status. We heartily commend the plans calling for a minimum of development for recreational purposes and trust that they will be carried out so as to alter the terrain and interfere with its natural attractions and its wilderness character as little as possible. The Appalachian Mountain Club feels a national park or seashore is the best way to preserve the pristine beauty of this region for future generations.

Respectfully,

KENNETH A. HENDERSON, *President.*

STATEMENT OF HENRY LYMAN, BOSTON, MASS., PUBLISHER, SALT WATER SPORTSMAN MAGAZINE

My name is Henry Lyman of Canton, Mass. I am publisher of Salt Water Sportsman magazine, a monthly periodical devoted to marine angling on the Atlantic, Pacific, and gulf coasts. I have served in the past, and still do serve, on various boards and committees at the Federal, interstate, State, and local levels as an adviser on marine sport fishing matters and am the author or coauthor, of several books on ocean angling.

My business by its very nature takes me to all sections of the coasts of the United States. Since the end of World War II, I have watched with growing concern the vanishing shorelines. I am not referring to erosion of land: I am referring to the tremendous increases in industry, real estate developments, drainage, and fill of coastal areas.

The classic example of this march of alleged progress may be found along the New Jersey coast. Here, with the exception of two very small State parks, the

entire shoreline is in private or military ownership. The result has been overcrowding, overexploitation, and complete destruction of the natural beauties and advantages of the beaches as well as the lands surrounding those beaches. With almost no exceptions—excluding the military reservations unavailable to the public—New Jersey has lost a natural resource which can never be regained. Cape Cod can—and will—go the same way unless action is taken immediately. The Cape Cod National Seashore Park is the answer to this problem.

Consider my own particular field, salt water sport fishing. It is the fastest growing sport in the United States today. Boating is also booming, but let me point out that the boat and engine manufacturers themselves state that more than two-thirds of their customers list fishing as the primary reason for purchase of boats and motors.

Today fewer and fewer access points to a beach are available to anglers on any U.S. seaboard. In 1955, according to the survey made by the U.S. Department of the Interior, there were 4,557,000 marine anglers in this country. Today, according to the Sport Fishing Institute, this number has grown to 5,391,000. I do not vouch for the accuracy of these figures: I mention them only to show that the demand for access to the coast is increasing tremendously even while the possible access is shrinking.

More leisure time, higher individual income, a better standard of living—all are factors which will cause this angling pressure to increase at an even greater rate as the years go by. The beaches of the outer cape are among the finest in the world for the surf angler Their value to the people of the United States from this aspect alone is great today and will be far greater in the next decade.

There have been rumors that beach use for fishing, bathing, and just plain relaxing will be severely curtailed if the national seashore park becomes a reality. The answer is simple: Look at the record. I had the good fortune to be in on the ground floor, so to speak, when the Hatteras National Seashore Park in North Carolina came into being. Except for certain obvious safety precautions and rules aimed at maintaining the natural beauties of the area, there are no restrictions on any of these activities. Indeed, the facilities constructed by the Park Service have made that area even more pleasant for the general public.

Cries may be heard on Cape Cod that the park will ruin the area financially. I agree that the real estate operators who wish to turn a natural resource into a quick dollar will have their activities curtailed. Again, let us look at the record for the other side of the picture. At Hatteras, according to figures from the Park Service, from the Dare County Chamber of Commerce, and from my own observations, tourist business has increased threefold in 5 years—and this estimate is conservative. I need not point out the value of the tourist business to the Cape Cod area.

Let the real estate operators take comfort also. In the same 5-year period, real estate values in the vicinity of the Hatteras park have more than doubled on the average. In some areas, they have increased as much as tenfold, with a resulting broadening of the tax base for the towns concerned. The home-builder, whether he is in the market for a summer cottage or a permanent dwelling, knows that he can build with beach, dunes, and ocean practically at his front door. The park is his protection.

To say that all has been sweetness and light at Hatteras since the park was established there would be to stretch the truth. There have been squabbles between the Park Service and the local population from time to time. All of these have been settled eventually, but to my mind more rapid settlement would have prevented much illwill.

I therefore urge that when the Cape Cod park becomes a reality, the National Park Service place on the cape itself an official with sufficient authority to settle minor policy disputes. This would eliminate time lost in the redtape of Washington, which causes unnecessary hardship of the individual landowner.

As a property owner myself, I have no love for the Federal taking of land, no matter what the cash price paid may be. The cape and New England are too much in my blood. However, even with these advantages, I do not plan to live forever. As an individual, I would like to see your children and your children's children enjoy the cape beaches as I have done ever since I was old enough to toddle over the dunes. The Cape Cod National Seashore Park will make this possible.

MASSACHUSETTS CONSERVATION COUNCIL,
Boston, Mass., December 7, 1959.

Hon. LEVERETT SALTONSTALL,
Boston, Mass.

DEAR MR. SENATOR: The Massachusetts Conservation Council, representing more than 100,000 Massachusetts residents, respectfully requests that the following remarks be forwarded to the Subcommittee on Public Land of the Senate Committee on Interior and Insular Affairs to be included in the official record of the hearing, December 9 and 10, at Eastham, concerning the Keith-Kennedy-Saltonstall bill, S. 2636, which would establish a Cape Cod National Seashore Park.

The Massachusetts Conservation Council endorses the establishment of a Cape Cod National Seashore Park as a way to conserve the natural and human resource values of this area. Such a park will preserve the unusual plants and animals and the geological features for our many citizens who enjoy the out of doors.

In addition, the park will preserve the great recreational values of the Cape Cod area for the increasing thousands of our citizens who travel many miles to enjoy them. Establishing the park now will be an important advance step in meeting the future recreational demands of our country's growing population.

This council feels that the establishment of the Cape Cod National Seashore Park, under the provisions of S. 2636, will be a service to the citizens of all the United States.

Most respectfully yours,

EDWARD D. PEARCE 2d, *Chairman.*

BOSTON, MASS., *December 7, 1959.*

Hon. LEVERETT SALTONSTALL,
Boston, Mass.

DEAR MR. SENATOR: Would you be kind enough to arrange for these thoughts on S. 2636 to become a part of the record of the hearing to be held by the Subcommittee on Public Lands of the Senate Committee on Interior and Insular Affairs at Eastham, December 9 and 10, concerning the Keith-Kennedy-Saltonstall bill which would establish a Cape Cod National Seashore Park.

I heartily support the establishment of a Cape Cod National Seashore Park under the provisions of S. 2636. This Park will preserve the unquestioned natural beauty of this area from the blight of temporary commercial exploitation that would lead to ultimate decay.

More important in my mind, however, than the natural beauty is the vast human recreational value of Cape Cod. Our increasing population, with more leisure, greater income, and improved transportation, has already exceeded the capacities of existing vacation facilities. Our citizens need and demand more unspoiled natural areas in which to restore their bodies and revive their minds.

I look on the proposed Cape Cod National Seashore Park, not as a minor asset of one State, but as a major investment in the present and future welfare of the citizens, residents, and visitors in all the United States. It is possible that this Cape Cod area could be preserved by local action, but I would prefer that an area of such great national importance be preserved by national action through S. 2636.

Respectfully submitted.

EDWARD D. PEARCE 2d.

MASSACHUSETTS STATE LABOR COUNCIL, AFL–CIO,
Boston, Mass., December 8, 1959.

Senator FRANK MOSS,
Senate Subcommittee Hearing,
Eastham, Mass.

DEAR SENATOR MOSS: Please be advised that Vice President James E. Murphy will represent the Massachusetts State Labor Council, and George Carignan will represent the Greater New Bedford and Cape Cod Central Labor Council at your hearings in Eastham on December 9 and 10, 1959.

Both these gentlemen are thoroughly familiar with merits of the proposed creation of a national seaside park on Cape Cod.

Any courtesy that you may extend our representatives will be deeply appreciated.

Respectfully,

KENNETH J. KELLEY,
Secretary-Treasurer.

MASSACHUSETTS STATE LABOR COUNCIL, AFL–CIO,
Boston, Mass., December 9, 1959.

Senator FRANK MOSS,
Committee on National Seashore Park,
Cape Cod, Mass.

DEAR SIR: The Massachusetts State Labor Council AFL–CIO, wishes to be recorded in favor of the proposed Cape Cod National Park.

We believe that the establishment of such a park would be beneficial not only as a national summer recreational center, but would also increase local business activity and promote an influx of tourists from the cities and towns outside New England.

We sincerely hope that this committee will report favorably on the establishment of this Cape Cod National Park.

Respectfully yours,

JAMES E. MURPHY,
Vice President.

GREATER NEW BEDFORD & CAPE COD LABOR COUNCIL, AFL–CIO,
New Bedford, Mass., December 8, 1959.

COMMITTEE ON NATIONAL SEASHORE PARK ON CAPE COD.

DEAR SIRS: This letter is for the purpose of placing on the record the Greater New Bedford & Cape Cod Labor Council, AFL–CIO, New Bedford, Mass., as supporting the promotion and establishment of the Cape Cod National Park.

We believe that no other section of the country provides the opportunities for development of a national summer recreational center.

The establishment of a national park in the Cape Code area would, in our opinion, also increase the business activity in this entire section of New England and would be beneficial to the cities and towns in this part of the country.

We sincerely hope that the committee will report favorably the establishment of the Cape Cod National Park.

Respectfully yours,

GEORGE E. CARIGNAN, *President.*

Mr. CALLAGHAN. The next witness is Robert McNeece, to be followed by Mr. Hutchins.

Senator MOSS. Mr. McNeece is the selectman of the town of Chatham.

Mr. MCNEECE. The town would like to have the privilege of supplementing our brief if it becomes necessary.

Senator MOSS. You may do that. The record will be open at least until the 15th of January for any added statement you wish to send in and then, of course, there may be subsequent hearings held. We are not certain of any date yet on that. Please proceed, Mr. NcNeece.

STATEMENT OF ROBERT McNEECE, MEMBER, BOARD OF SELECTMEN, CHATHAM, MASS.

Mr. MCNEECE. My name is Robert McNeece. I am a selectman from the town of Chatham. Representing the town I wish to welcome Senator Moss, and invite him to return again.

Senator MOSS. Indeed I will.

Mr. McNeece. When the weather is a little warmer, and let him have the opportunity to see the area under actual summer conditions.

Those summer conditions, of course, are what we are talking about when we speak of a national seashore.

We in the town of Chatham have prepared in fair detail its position as far as this proposal is concerned and there is no need for me to duplicate it and thereby take up the time of this committee or deprive other people of an effort to make such statements.

Senator Moss. The entire statement will be incorporated in the record at this point. It may become necessary to retain some of your exhibits in the committee files, due to the difficulties of reproducing them. You may make such additional comment as you would like.

Mr. McNeece. Thank you, Senator.

(The statement follows:)

STATEMENT OF THE TOWN OF CHATHAM ON S. 2636

THE SENATE BILL (S. 2636) AS IT RELATES TO CHATHAM

In general terms, Senate bill S. 2636 (hereinafter referred to as the bill) authorizes the acquisition from Chatham taxpayers through gift, purchase, or eminent domain, portions of its Nauset Beach and Morris Island areas; the transfer of control of Monomoy Island (taken from Chatham in 1944) from the Fish and Wildlife Service to the National Park Service and acceptance from Chatham of the town-owned sections of Nauset Beach and Morris Island if approved by the citizens by two-thirds vote at a town meeting.

The issue, therefore, is whether or not Chatham believes that the proposals in the bill are sound, whether they will serve the best interests of its present and future generations, and to what extent the town may prudently sublimate its own interests to the idealistic purpose of the bill. Many times over the years Chatham has faced this same issue in its own program of preservation and protection of its natural resources as it has acquired parcel after parcel of shore front property for public use and enjoyment. Few towns of comparable size can approach its ownership of public landings and beaches totaling more than 450 acres of shore property. With this evidence of its affirmative attitude toward the concept of preservation but with a background of experience that cautions against excesses and impractical ventures the town approached the consideration of the national seashore park bill in a spirit of understanding.

THE CHARACTER AND ECONOMY OF CHATHAM

Except for its fishing industry, Chatham is a residential community with a year-round population of about 3,500 and a summer total of about 10,000. The contrast to residential Chatham would be a Cape Cod town with an economy based primarily on serving tourist trade through lunchrooms, restaurants, summer shops, motels, service stations, amusement stands and other such ventures common to tourist traffic. Towns with such economies are sometimes referred to as service communities.

Located on the elbow of the cape, Chatham is bypassed by the main traffic artery which extends from the Cape Cod Canal to Provincetown. Its remote location coupled with zoning and planning regulations have enabled the town to retain its primary residential character despite the widespread commercialization of other parts of the cape. Summer residents have invested heavily in the future of the community which assures them escape from the traffic and fanfare of other resort areas. They contribute about two-thirds of the total residential tax revenue. Homes with market values of $50,000 are common and the construction, repair, and maintenance of summer dwellings account for the employment of more than a third of all Chatham residents. Landscape workers and gardeners add to this total which is further swelled by clerks and attendants in thet local shops, stores, and service stations serving these colonists. The basic economy of the town, therefore, depends on its ability to preserve its fishing industry and the high quality residential character of the town.

THE BILL AS IT RELATES TO NAUSET BEACH

A. The proposal

Under the terms of the bill the Secretary of the Interior is authorized to acquire the privately owned area in whole or in part through gift, purchase, or condemnation and to receive from the town of Chatham the town-owned area if so voted by the citizens. The National Park Service cites the region as being particularly attractive for fishing and beach buggy operations.

B. Description

Nauset Beach is a sandy spit composed of numerous dunes which extends southerly from Orleans, a distance of about 11 miles. It is bounded on the east by the Atlantic Ocean and on the west by Pleasant Bay. The Chatham area of this beach consists of approximately 370 acres of privately owned land and 160 acres of town-owned park. As of January 1, 1959, the private area was divided among 20 owners and included about 17 camps and cottages. The assessed valuation of that date was $36,250, but recent sales in the area would indicate a fair market value of many times that figure. The town-owned area is the southernmost 4 miles of the beach. It is reached overland by foot or beach buggy from the Nauset Beach area of Orleans.

C. Consideration of the proposal

This area is a continuation of the great outer beach which extends south from Provincetown. It is a contiguous part of the proposed National Seashore Park, is suitable for the purposes planned for it and, if the adjoining area in Orleans becomes a part of the park, it will involve no separate or individual administration and maintenance. Winds and surf are gradually building the point of Nauset southward and it is unofficially predicted that it will eventually join Monomoy Island. Although this is entirely a matter of conjecture, should it occur it will close off Chatham's principal passage to the outer waters. In view of this potential it is imperative that Chatham reserve the right to a new passage through Nauset at whatever point qualified engineers determine to be best for the town. Should Nauset be parted the southernmost section should revert to the town affording the citizens an opportunity to vote to transfer it to the control of the U.S. Fish and Wildlife Service if that department still controls Monomoy Island.

The town also contends that the boundary of Nauset Beach should be located at the mean low water mark rather than one-quarter mile offshore so that there may be no interference with Chatham's fishing and dredging rights.

Nauset Beach is one of Chatham's most prized possessions. Because of its lure to surf casters and hunters it has great advertising value and is featured pridefully by Chatham hotels and inns. Most of all, however, and particularly since the loss of Monomoy to the Wildlife Service in 1944, Nauset is the only town-owned span of waterfrontage on the open ocean. At no other point on Chatham property may residents and visitors freely enjoy the fascination of the mighty surf of the Atlantic.

D. Conclusion

If the Chatham and Orleans areas are conceded to the park the National Park Service will then control the whole southernmost extremity of the great outer beach. The Nauset Peninsula would be efficiently administrable and many problems of operation and maintenance would be avoided. The proposal is sound and, though its citizens will suffer the great loss of pride of ownership, the town will be inclined to make the sacrifice provided Congress will make a corresponding gesture of cooperation by accepting the amendments to the full, described in the concluding paragraph of this brief.

THE BILL AS IT RELATES TO MONOMOY ISLAND

A. The proposal

The bill authorizes the transfer of the land now controlled by the Fish and Wildlife Service to the National Park Service. It prescribes that the land and waters shall continue as a bird refuge but permits the National Park Service to develop the area for recreational purposes in a manner not inconsistent with the purposes of the refuge.

B. Description

Monomoy Island is a sandy island about 10 miles long by about 3,500 feet wide at its maximum width. The entire island comprising about 3,500 acres, consists of sand dunes, marshes, small fresh-water ponds and potholes. During storms waves overrun the island at numerous locations through narrow valleys between dunes. The only development on the island consists of a few small summer cottages on the southern portion.

Except for a relatively short period prior to 1938 it has been separated from the mainland of Chatham and has been inaccessible by overland route. Over the decades wind and wave have ravaged the island resulting in constantly changing shoreline and contour. On June 1, 1944, the island was taken from Chatham by the U.S. Government by means of an act of declaration to be used as a wildlife refuge under the control of the Fish and Wildlife Service. Monomoy is separated from Morris Island by a span of water about 300 feet wide at high tide.

C. Consideration

The only argument advanced in support of the proposed transfer of this area from its present control by the Fish and Wildlife Service to the National Park Service is that by providing, immediately, 3,500 of the bill's required 6,000 acres it would hasten the date when the park could be established and the Park Service would have enough land to start providing recreational and other facilities and satisfy public expectations of a "going park."

For most of its known history Monomoy has been inaccessible by land. It has defied every human effort to tie it to the mainland. It is subject to periodic breaching and to invite the unwary visitor over these unpredictable breakthroughs is to court disaster. Furthermore, the location of the present passage between Morris and Monomoy Islands must be reserved for the town of Chatham as the site of an alternate channel to be used if, as predicted, the present passage between Nauset and Monomoy becomes impassable. With a fishing industry which accounts for $600,000 of the town's gross income at stake, Chatham must be assured safe access to the outer waters.

Under these conditions the National Park Service could not in good faith proclaim to beach-expectant Americans a seashore of 6,000 acres, when 3,500 acres of the total are accessible only to those equipped with boats or airplanes. The history of the whole Nauset-Monomoy area is one of ever-changing shorelines as shown by accompanying plate No. 3. Even qualified Army engineers are unwilling to make firm predictions in the area. Probably the most appropriate description of the fugitive nature of Monomoy was made by G. H. Ballou in Harper's magazine in February of 1864 when he wrote: "the most luxurious portions of Monomoy produce beach grass, and doubtless even the less favored portions of its soil might be made to yield the same if they could but be tied down in one position for a day or two at a time—a rest which wind and wave have for centhries unknown refused."

From the foregoing it should be obvious that Monomoy can be reached and used only by a minute fraction of the citizens who will be attracted to a national seashore. Yet its inclusion in a National Park Service brochure with a map directing traffic to it through some of Chatham's finest residential areas could seriously endanger the general character and economy of the whole town.

When Monomoy was taken from Chatham it was for a primary specific purpose and was to be administered by a Federal agency which had been established to serve that primary specific purpose. Now it is proposed that the specific governing agency be changed but it is implied that the primary purpose will not be changed. To argue that one can transfer a function from one agency serving a distinct primary purpose to another agency serving a separate, distinct primary purpose without changing the relative status or importance of that function is specious.

The primary purpose of the taking of Monomoy was the protection of birdlife. The specific agency to administer the area was the U.S. Fish and Wildlife Service. If the proposed transfer to the National Park Service is made the primary purpose of the area will become recreation for humans.

The town maintains that it is morally wrong to change the primary purpose of Monomoy without the consent of the citizens of Chatham and doubts the legality of such a change.

It is reasonable to deduce that the Fish and Wildlife Service is favorably disposed toward this transfer. This must mean that it has concluded either that the site is not suitable for a refuge, or that its potential cost of development and for

maintenance is too high in relation to its budget or that if the Park Service is to administer Morris Island it would serve the interests of economy to have the Park Service administer Monomoy also. If the latter be the compelling factor there would be no justification for the transfer, if Morris Island is omitted from the park. At any rate, it is evident that the Fish and Wildlife Service is willing to risk the possibility that the refuge purpose of Monomoy may become subordinated to the recreational purpose.

If it is a question of which department has the most money to spend on Monomoy then no saving in maintenance costs can be foreseen. On the contrary the shifting sands of Monomoy might present a temptation to initiate a program of dune rehabilitation, such as the Park Service has undertaken at Cape Hatteras at a cost of $309,373.92 for a 3-year period. The impotent feeling of the park superintendent expressed in his annual report for the year 1959 probably resulted from the sight of "the northern 3 miles of Ocracoke being wasted by sound to ocean tides, 90 percent of all recent National Park Service rehabilitation efforts destroyed and beach and land areas deeply eroded and scoured."

It is not intended that efforts to build or stabilize sand dunes be disparaged. In well-studied locations and under proper conditions such projects may be effective and the cost justified. Monomoy, however, is so vulnerable, so fugitive, that any substantial expenditure of public funds in the area would be extremely imprudent if not reckless.

D. Conclusion

The loss of Monomoy in 1944 was a terrific blow to Chatham. Certainly, it should not now become an instrument to inflict further hardship on the town which will surely result if national park publicity directs the vacationing public through Chatham's residential areas to reach it. It should remain under the control of the Fish and Wildlife Service or if this agency is discouraged with the project let it be turned back to Chatham with adequate safeguards that it be subject to its present limited uses.

Under no circumstances should substantial recreational public funds be spent in an area where "wind and wave unceasingly ravage the long beaches, cutting away here, adding there, again to redemolish, as though the spirit of the waters had chosen the region for his especial plaything" (G. H. Ballou, 1864).

Monomoy is excellently suited to its present use—a natural refuge for birds and an ideal retreat for human souls willing to endure the rigors of the journey for the sake of its rewarding seclusion. Let it remain as such.

THE BILL AS IT RELATES TO MORRIS ISLAND

A. The proposal

As in the case of Nauset Beach the bill authorized the acquisition by the Secretary of the Interior of the privately owned areas, subject to the same conditions, and empowers him to accept a deed for the town-owned area if the Chatham citizens approve the transfer. However, under the 10-percent land bank provision described in section 5 of the bill it would be possible for the private owners to develop approximately 60 acres of the upland on the island, leaving only about 30 acres of upland and the marsh and swamp areas to the National Park Service. All of the shoreline is unsuitable for bathing and some of it is dangerous. The National Park Service wisely proposes to limit its use to camping, nature walks, picnicking, and similar activities.

B. Description

Morris Island, located just north of Monomoy, comprises about 92 acres of upland, 58 acres of lowland, and 63 acres of marsh and swamp. Of this total 22 acres are owned by the town of Chatham, 4½ acres by the U.S. Wildlife Service, and ¼ acre by the U.S. Coast Guard. The island includes a section of upland at its northwest corner, which is commonly called Stage Island. Development of the island for private residential purposes only was begun in 1957 under deed restrictions limiting dwellings to upland only. Minimum-size lots on Morris Island are an acre and on Stage Island about three-fourths of an acre as compared with town zoning requirements of 20,000 square feet.

Morris and Stage Islands are under separate ownership and have been subdivided into 36 and 38 lots, respectively, under plans approved by the Chatham Planning Board. Oiled or hardtop roads to service the lots have been provided but no building has been started. The island was assessed as unimproved as of

January 1, 1959, and a valuation of $41,940 was applied. Given a reasonable expectation of about 60 dwellings over a period of years, and on the basis of the asking price for lots, it is conservatively estimated that the area will eventually reach an assessed valuation of more than $1,500,000—with a potential tax yield to the town of $50,000 annually.

Morris Island was joined to the mainland in 1958 by a causeway built for the dual purpose of protecting Stage Harbor and making the island available for tax-revenue purposes. This project involved an expenditure of more than $425,000, of which the town contributed about $125,000 and the State government the balance.

The owners have committed themselves favorably toward the town's program of marsh preservation to the end that the marsh, swamp, and low beach areas will be preserved in their natural state.

C. Consideration of the proposal

Because a water passage between Morris and Monomoy Islands exists now and must be provided for in the future, Morris Island cannot be considered a physical adjunct of any other part of the proposed park. It is a separate and distinct unit of 213 acres, 15 road miles removed from the next nearest part of the park in Orleans, and 18 miles from the proposed park reception center in Eastham. Moreover, it is a terminal or "dead end" point and the visitor must traverse the same route twice or seek an alternate route with no lesser effect on the total volume of traffic within the town. It amounts to less than 1 percent of the total acreage of the proposed park yet it will require separate supervisory and maintenance personnel with buildings to serve them. Its proposed camping use is in direct conflict with Chatham's zoning regulations. Its chief feature is its wooded upland and its only distinctive feature, a white-cedar swamp. If its private owners are permitted to develop 60 acres of the upland the amount of worthwhile property left to the National Park Service will be insignificant. On the other hand, it is the most desirable waterfront location remaining in the town and contribute more than $50,000 to the town's economy.

If the National Park Service is forced to purchase the island the cost may be enormous and the town of Chatham will certainly expect reimbursement for its share of the cost of the dike. Furthermore, the national agency will be expected to share proportionate responsibility for maintaining the dike.

D. Conclusion

Weighing the potential contribution this tiny area could make to a national seashore park against its potential cost to the U.S. taxpayer, its remoteness from the rest of the park, its probable comparatively high cost of supervision and maintenance, the great loss of tax revenue to the town of Chatham and the duplicated traffic it would invite over narrow roads through some of Chatham's finest residential sections, the favorable aspects of the proposal are far outweighed by the unfavorable.

THE BILL AS IT AFFECTS THE GENERAL CHARACTER OF CHATHAM

As stated previously, Chatham is a residential community with an economy largely dependent on its ability to maintain its high-valuation summer residential character. One of the chief factors contributing to the desirability of the town for residential purposes is its seclusion from the main cape traffic artery.

One of the chief factors contributing to the desirability of the neighborhood within the town for residential purposes is its seclusion from traffic. It follows, therefore, that traffic volume in residential areas is definitely related to residential values.

Expressing an opinion on a hypothetical situation described to him by the town, the Massachusetts director of planning stated: "A large volume of traffic upon a residential street or road can have a tendency to detract from the desirability and value of those areas for residential purposes."

With this as a sound premise, that traffic is related to valuation, it is necessary to determine whether the inclusion of Monomoy or Morris Island or both in the National Seashore Park would have a tendency to attract increased traffic through the residential areas of Chatham, thereby decreasing their value.

The National Park Service provides attractive brochures of each of its parks, illustrating and describing the area and including a map to guide visitors to and through the boundaries. These enjoy wide circulation among national communi-

cations media, travel and tourist agencies, airlines, railroads and bus companies, which in turn feature the parks in their own advertising. The resulting national publicity is substantial. To assume that no visitors would be attracted to Monomoy or Morris Island as a result of such publicity is ridiculous. To estimate how great their number would be is guesswork. However, some indication may be derived from the visitation figures supplied by the Acadia National Park in Maine for the year 1957. Of the 858,928 people who visited there in 1957, 486,882 arrived in July and August in 136,976 vehicles. Cape Hatteras National Seashore in North Carolina, opened as recently as 1953, received 146,966 visitors in July and August of 1957 and reports that, starting with less than 100,000 in 1953 the first year of the park, visitation increased to 348,335 in 1958 with the expectation of well over 1 million visitors annually within the next 10 years.

Neither the Acadia National Park nor the Cape Hatteras National Seashore is as adjacent to high density population centers as Cape Cod. In its "Proposed National Seashore Field Report" the National Park Service states: "The real importance of the relationship of Cape Cod to its surrounding population is that nearly one-third of the people of our Nation live within a day's drive of the area. Cape Cod is located adjacent to a regional area of the highest population density and the largest concentration of people in the United States."

Replying to a request for Cape Cod visitation figures the executive secretary of the Cape Cod Chamber of Commerce stated: "From this information (1950) we have estimated that during the course of the season (July-August) we entertain 1 million people."

Relating the sumer visitation figures of Acadia, 486,882, and the 248 percent 6-year increase of visitation at Cape Hatteras to the greater proximity of Cape Cod to high density population centers could readily suggest a conservative estimate of 500,000 summer visitors to the Cape Cod National Seashore within 10 years after its establishment. This would increase our present total visitation by 50 percent.

Add to this the factor of normal increase expectancy and it is not unreasonable to anticipate doubling the traffic on the cape within the not too distant future.

The problem now is to determine how much of this greatly expanded traffic flow may be directed to Chatham as the result of national park publicity. Not the greater part of it, of course, but if only 25 percent of park visitors were to try to use the Chatham National Park facilities or were curious enough to see what it looked like, 31,000 extra vehicles will carry 125,000 of them into a termination point at Chatham within 10 years. Many of them will retrace the same route, adding that much more to the count on either of the approach roads.

No traffic survey has ever been made within the town, but it is the opinion of the State traffic engineer most familiar with the area that, on the basis of scattered counts taken, Shore Road only 20 feet wide is now almost at its safe capacity. Shore Road is the principal road leading to Morris Island. Shore Road leads through one of the most desirable residential sections of the town. There is no road to Morris Island which does not pass through fine residential neighborhoods. No road to the site is more than 24 feet wide. Widen these roads and residential character suffers.

The town has no qualms about leaving to the reader the decision as to whether or not a National Seashore Park area in the Morris Island-Monomoy section would have a tendency to detract from the fine residential character of neighborhoods within the town and from the town as a whole.

THE BILL AS IT AFFECTS THE ECONOMY OF CHATHAM

If Morris Island is included in the park the town will eventually suffer the loss of tax revenue in the amount of $50,000 annually; construction workers will be deprived of more than $750,000 in wages; maintenance and landscape workers will lose substantially as will the local merchants and services.

If Morris Island or Monomoy or both are included in the National Seashore the fine residential character of the town will suffer and the residential valuation and tax yield lowered.

It would be the beginning of a changeover from a basic residential economy to a commercial economy.

Retired residents, who cost the town little but contribute heavily to its revenue, would be inclined to seek elsewhere the seclusion and fine atmosphere Chatham once offered.

Extra traffic would necessitate road widening, more road maintenance and more policing.

Faced with the immediate need for a new high school the weakening of the town's economic base would have a serious impact on its citizens.

SUMMARY

Summarizing the results of its consideration of the bill, the town of Chatham maintains:

That although the national seashore will have an impact on the whole cape, it will affect most materially those towns adjoining it and, therefore, should be confined to a closely knit area.

That Morris and Monomoy Islands, because of their size or inaccessibility, offer little use to the public in relation to their cost, maintenance, distance from the park center and potential injury to the town.

That the Federal Government should do for the town only that which the town is unable to do for itself. Chatham is doing a satisfactory job in preserving and protecting its portion of Cape Cod.

That it is inconsistent to urge zoning for the cape and in the same bill establish a recreational area in a residential town such as Chatham.

That it is inconsistent to omit Harding Beach from the park because it is not physically connected with any other part of the park yet include Morris and Monomoy Islands which also are not connected with any other part of the park.

That through the acquisition of Monomoy from the town in 1944 a substantial portion of Chatham has already been added to the pool of national public resources.

That the bill should hold firmly to its stated purpose: "that Cape Cod's unique cultural scenic and historic values should be preserved and enhanced."

That scenic Chatham, with its treasure of upward of 200 early Cape Cod cottages which have been lovingly restored and freely admired by untold thousands of visitors, comes well within the meaning of that description and purpose.

That for the foregoing reasons and in keeping with its own purpose the National Park Service should place an arm of protection around Chatham rather than direct injury through it.

GENERAL CONCLUSION

A Cape Cod National Seashore Park is bound to cause a change in the basic character of the economies of the town it adjoins. The commercial factor in the total economy will grow in greater proportion than the residential factor.

In a town of such a unique character as Chatham and with such a preponderantly residential economy, such a transition would be a grievous misfortune.

The town desires to cooperate with any program which has for its purpose the protection and preservation of unspoiled areas of natural beauty. However, it must always be aware of its primary responsibility for the welfare of its citizens. Therefore, the town of Chatham has concluded it it may prudently transfer the Chatham Park area of Nauset Beach to the Department of the Interior on condition that this agency make a corresponding gesture of cooperation by agreeing to the withdrawal of the Monomoy and Morris Island areas from the boundaries of the national seashore and by agreeing to the following conditions stated in general terms:

That the southern, southwestern and western bounds of Nauset be established and fixed at the mean low water mark as of July 1, 1960 or thereabouts and these shall be the bounds of the area to be transferred to the Department of the Interior with any alteration for accretion to be agreed upon at the time of the actual transfer.

That the eastern bounds of Monomoy and Morris Islands also be so fixed and established as of July 1, 1960 and that any accretion, manmade or natural or both, to Nauset Beach coming within a line parallel to the eastern bounds of Morris and Monomoy Islands and 1,000 feet east of such bounds shall accrue to the town of Chatham.

That provision be made for a water passage through Nauset Beach either natural or manmade and if such passage may become necessary for the welfare of Chatham it shall be provided by the Department of the Interior.

That the Department of the Interior perform any work which may be necessary to prevent or restrain any breakthrough which may endanger Pleasant Bay or the Chatham mainland.

That residents of Chatham be assured of the continued free use of Nauset.

That no building for other than service and sanitary purposes be erected in the area and that no such building will be more than 15 feet high.

That the National Park Service establish no ferry service between Nauset Beach and the Chatham mainland or any other body of land in the area and that no such ferry service be mentioned in its publications.

That all of the foregoing conditions be worked out in detail and agreed to by counsel for each of the two governing units, and that this agreement shall be specifically referred to and identified in the bill and shall become a part of the bill itself.

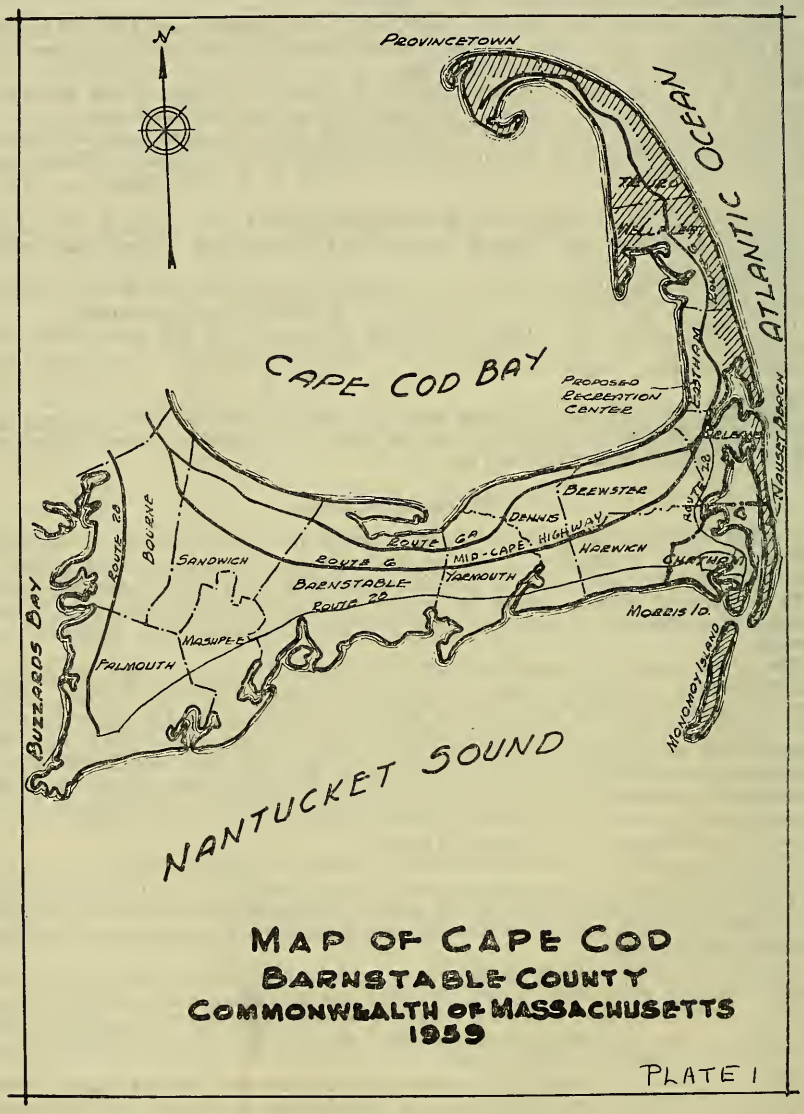
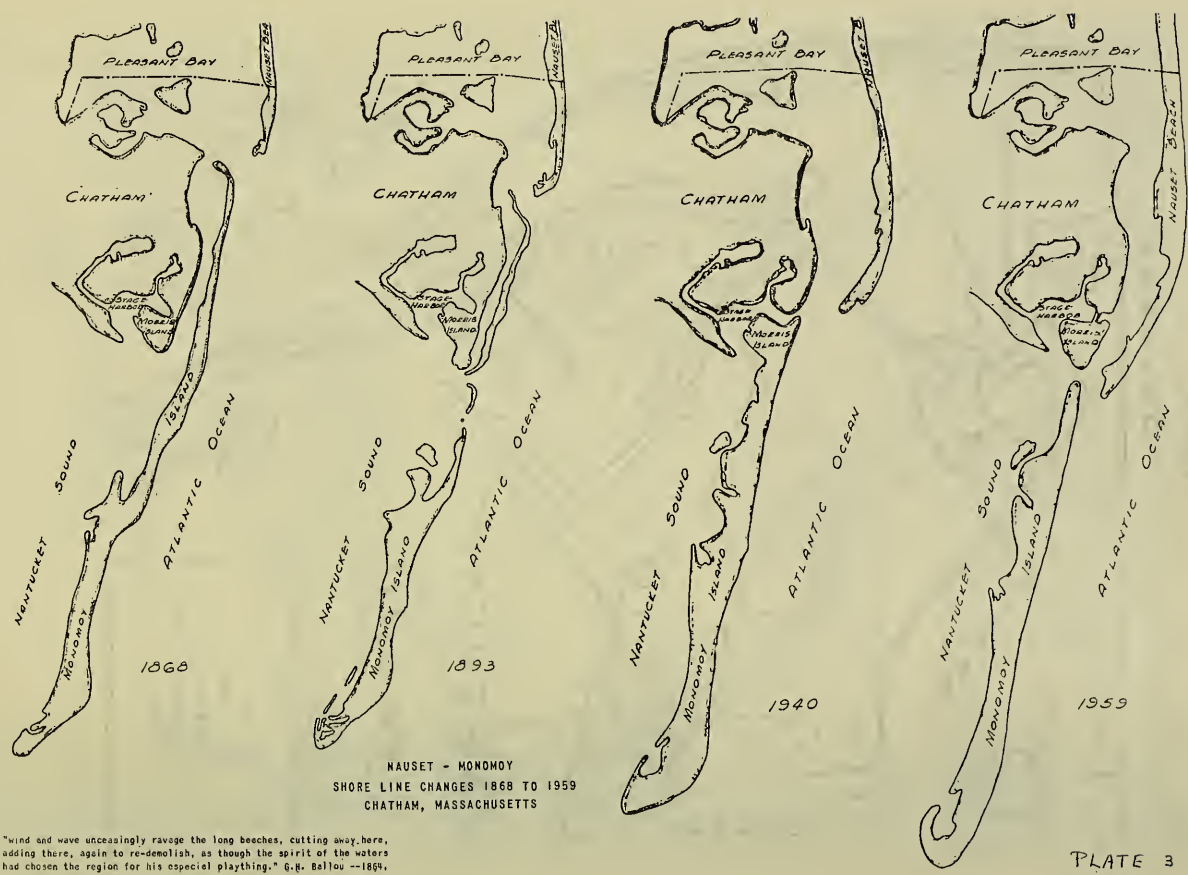


PLATE 2

N
ORLEANS
STRONG ISLAND
PLEASANT BAY
HARWICH
To Orleans
Orleans Route 28
Old Harwich Rd.
Route 28
Post Office
Main Street
To Hyannis
OYSTER POND
Cedar Street
Mill Pond
Water St.
Bridge Street
Stage Harbor
HARDING BEACH
MORRIS ISLAND
NAUSET BEACH
HARWICH
NANTUCKET SOUND
ATLANTIC OCEAN
MONOMOY ISLAND
MAP
OF THE TOWN OF
CHATHAM
CAPE COD, MASSACHUSETTS
1959



NAUSET - MONOMOY
SHORE LINE CHANGES 1868 TO 1959
CHATHAM, MASSACHUSETTS

"Wind and wave unceasingly ravage the long beeches, cutting away here, adding there, again to re-demolish, as though the spirit of the waters had chosen the region for his especial plaything." G.H. Ballou --1894.

PLATE 3

Appendix A

Monograph No. 242, Town of Chatham

I. GENERAL INFORMATION

A 1. Town: Chatham.

A 2. County: Barnstable.

A 3. Location: Eastern Massachusetts at the "elbow" of Cape Cod, bordered by Pleasant Bay and Orleans on the north, the Atlantic Ocean on the east, Nantucket Sound on the south and Harwich on the west. It is about 90 miles from Boston, 17 miles from Hyannis and 223 miles from New York.

A 4. Population, 1950: 2,457; 1955: 3,116.

A 5. Land area: 15.88 square miles.

A 6. Density, 1950: 155 persons per square mile; 1955: 196 persons per square mile.

A 7. Climate (Hyannis): Mean temperature in January, 30.5° F.; mean temperature in July, 70.5° F.; mean annual precipitation, 42.93 inches.

A 8. Elevation at town hall: Approximately 46 feet above mean sea level.

A 9. Topographical characteristics: The terrain of the main section of Chatham is broken by slight elevations. In the center of this section there is an elevation of about 120 feet above mean sea level. The soil of this section is mostly sandy loan. From the southeast corner of the main section are two elongated sand dune islands extending southward about 10 miles. To the east of the main section is about a 4 mile sand dune strip of Nauset Beach peninsula, not connected to the town, but extending southward from the town of Orleans to the north and forming a large bay. The main section has many fresh water ponds and inlets.

A 10. USGS topographic plates: Chatham, Harwich, Monomoy Point.

All aerial survey photos: DPL–3K–13; 14,[1] 15, 16,[1] 17, 18;[1] DPL–4K–38, 39, 40;[1] DPL–5K–81, 82,[1] 83, 84,[1] 85, 86,[1] 87, 88,[1] 89, 90,[1] 91, 96, 97,[1] 98.

B1. Established: June 11, 1712.

C1. Type of government: Town meeting.

C2. Special districts: Ninth Massachusetts Congressional District; cape and Plymouth senatorial district; second Barnstable State representative district; first councilor district.

II. MUNICIPAL FINANCE

A–1. Some measure of Chatham's municipal finances can be compared with those of Massachusetts municipalities of about the same population size through the group averages given in A–3 below. Chatham has the largest per capita assessed valuation of any town in its population group by over $1,000. The large general purpose debt was incurred in large measure for a school building program of which the State will bear 20 percent of the cost.

A–2. The tax rate given below is the complete cost of municipal services per $1,000 of assessed valuations. There is no additional county or school district levy.

A–3. For the 73 municipalities in Massachusetts with populations of from 2,500 to 5,000, the per capita assessed valuation was $2,042 in 1958, and the per capita tax levy was $124.65. As of January 1, 1958, per capita net debt for this group was $157.30, of which $131.17 was for General Purpose and $26.13 for public service.

A–4. Tax rate:

	Amount
1958	$34.30
1957	32.40
1956	30.50

A–5. Tax levy:

	Amount	Per capita [1]
1958	$716,875	$230.07
1957	630,170	202.24
1956	557,429	178.89

[1] The 1956, 1957, and 1958 per capita figures are based on the 1955 State census of population.

[1] Photos giving complete physical coverage. All numbers are necessary for stereoscopic coverage.

A–6. Assessed Valuation

	Amount	Per capita [1]
1958	$20,835,590	$6,687
1957	19,384,620	6,221
1956	18,208,635	5,844

[1] The 1956, 1957, and 1958 per capita figures are based on the 1955 State census of population.

A–7. Debt, January 1, 1958

	Amount	Per capita [1]
General purpose (net)	$520,000	$166.88
Public service (net)		
Total	520,000	166.88

[1] The 1956, 1957, and 1958 per capita figures are based on the 1955 State census of population.

III. PUBLIC EDUCATION

	Chatham	State
A–1. Pupil enrollement	623	780,893
A–2. Number of teachers	26	29,800
A–3. Pupil-teacher ratio	24	26.2
A–4. Expenditures per pupil in net average membership	$294.91	$275.57
A–5. Teachers' salaries (minimum-maximum)	$3,600–$8,200	$3,000–$9,000

The town, along with Harwich, is a member of a school superintendency union, in which costs of administration and supervision are shared equally.

IV. ECONOMIC BASE

A. Historic trends

The town of Chatham was settled about 1665 and established as a town in 1712. The occupations of the early settlers were concentrated in fishing, whaling, shipbuilding, saltworks, and to some extent in the production of shoes and boots. These industries, with the exception of fishing, soon went out of existence and the economy of the area became more dependent upon the vacation and tourist industry.

B. Present economy

1. *General.*—Today, Chatham is a summer resort community with little industry except fishing and that which centers around the attraction and servicing of the summer visitor. In 1957, 148 firms were reported by the Massachusetts Division of Employment Security. These firms employed 484 employees in November 1957, 987 in July, and 1,004 in August, and had an annual payroll of $1,816,000. The four most important classifications of industries reported in 1957 and the percentage of the annual payroll were: service industry, 29 percent; wholesale-retail firms, 28 percent; construction, 34 percent; and transportation, communication, and utilities, 3 percent.

2. *Manufacturing.*—There were only two manufacturers reported by the division of employment security in 1957. Regulations do not allow disclosure of employment and payroll figures if there are less than three firms in an industrial group. The two firms reported were a confectionery manufacturer and a manufacturer of concrete, gypsum, and plaster products.

3. *Trade.*—The 52 whosesale and retail firms employed 144 persons in November, 348 persons in July, and 351 persons in August of 1957, and had an annual payroll of $516,000. Thirty-one service firms employed 134 persons in November, 421 persons in August of 1957, and had an annual payroll of $527,000.

4. *Fisheries, including shellfisheries.*—In 1958 the deep sea, lobster, and shellfish industries accounted for $625,000 of the gross income of the town. The rapidly growing sports fishing business added another $40,000.

V. PLANNING

A. Planning

The town of Chatham established a planning board in 1949 under section 81A, chapter 41 of the General Laws of Massachusetts.

B. Zoning

A zoning bylaw was adopted by the municipality in 1954. The stated purpose of the bylaw is "to protect the welfare of the citizens by preserving for them and their children the natural, architectural, and historical assets and other qualities which distinguish the town as a desirable community for permanent residence and for summer recreational purposes." The following table shows the number, types of districts, minimum lot area and frontage required in this regulation as amended 1957.

District	Minimum area (square feet)	Frontage (feet)
Residence R–40	40,000	150
Residence R–20	20,000	100
Residence R–20A	20,000	100
Residence R–10	10,000	50
Limited business	10,000	50
General business		

C. Subdivision control

The planning board exercises subdivision control under the provisions of section 81–K to 81–GG of chapter 41 of the general laws, which is an authorized power of any planning board established under section 81–A. A copy of the board's rules and regulations governing the subdivision of land is on file at the town clerk's office. A copy may be obtained from the planning board.

D. Public beaches and landings

In 1927 the town initiated a program to officially lay out and record its town landings. These have been added to and enlarged to the point that they now number 29, ranging in size from one-half to more than 2 acres. In 1945 the town started a program to acquire beach areas for public recreational purposes with the purchase of 20 acres at Harding Beach. In 1954 this area was extended by 240 acres providing over 2 miles of public beach. Other areas were added as the program progressed and as of June 1, 1959, the town owned, for public use, approximately 450 acres of shoreline property.

E. Public parks

The town has two parks totaling 5.3 acres in area, several small units containing monuments, and sites for additional parks at Harding Beach and Oyster Pond.

F. Marsh preservation

At its annual town meeting of March 3, 1959, the town adopted a bylaw designed to prevent thoughtless disturbance of shore meadow bank. This was the beginning of a program to preserve the marshes or salt meadows of the town for the purpose of protecting the shellfish industry and to insure their continued esthetic contribution to the shoreline. A bill to reinforce this program through enabling legislation has been filed in the general court of the Commonwealth for action during the coming session of the legislature.

CHATHAM FISHERMAN'S ASSOCIATION,
Chatham, Mass., December 1, 1959.

BOARD OF SELECTMEN,
Chatham, Mass.

GENTLEMEN: At its regular monthly meeting held October 8, 1959, the Chatham Fisherman's Association voted unanimous approval of the position the town has taken in relation to the national seashore park proposal; namely, that the town-owned area of Nauset Beach be transferred to the control of the National Park

Service only if no other areas within the geographical bounds of Chatham are included in the park.

In 1958 the commercial fisheries of Chatham accounted for $625,000 of the gross income of the town and under no circumstances should this vital income be jeopardized through failure to reserve channel rights through Nauset Beach, the location of the present channel between Nauset and Monomoy, and the passage between Morris and Monomoy Islands.

All fishing and shellfishing rights within the waters and flats of the town should remain under the control of the town of Chatham and should be so provided in the bill itself.

Very truly yours,

HAROLD E. CLAFLIN, *Secretary.*

DECEMBER 1, 1959.

MR. EVERETT C. SMALL,
Chairman, Board of Selectmen,
Chatham, Mass.

DEAR MR. SMALL: The finance committee wishes to go on record unanimously as upholding the position of the selectmen of the town of Chatham in recommending that Morris Island and Monomoy Point be excluded from the proposed takings for the national park under the Landrum-Griffin bill. The finance committee is further unanimously in favor of Monomoy Point remaining under the jurisdiction of the Fish and Wildlife Service.

Respectfully yours,

REBECCA W. MOSHER, *Clerk.*

TOWN OF CHATHAM PLANNING BOARD,
Chatham, Mass., December 4, 1959.

BOARD OF SELECTMEN,
Town of Chatham.

GENTLEMEN: A formal polling of the members of the Chatham Planning Board shows the majority favor the action taken by the selectmen in regards to the exclusion of Morris and Stage Island from the proposed Cape Cod National Seashore Park.

Very truly yours,

GEORGE THORNTON, *Chairman.*

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
ACADIA NATIONAL PARK,
Bar Harbor, Maine, November 17, 1959.

MR. ROBERT A. MCNEECE,
Member, Board of Selectmen,
Chatham, Mass.

DEAR MR. MCNEECE: In reply to your letter of November 13 we are pleased to send you the following information:

Visitation by months for calendar year 1957

Month	Vehicles	Visitors per vehicle	Other visitors	Total visitors
January	877	3.5	10	3,079
February	1,539	3.5	114	5,499
March	3,444	3.5	25	12,078
April	5,149	3.5	50	18,121
May	12,317	3.5	125	43,950
June	38,814	3.5	212	135,936
July	72,868	3.5	996	264,571
August	64,008	3.5	660	223,967
September	29,722	3.5	130	104,156
October	10,019	3.5	----	29,316
November	3,472	3.5	----	12,123
December	1,754	3.5	----	6,138
Total	243,983	----	2,322	858,928

A very small percentage of our visitors arrive in the park by bus, boat, or by hiking from outside the park. These visitors have been accounted for in the column listed as "Other visitors." We have found by means of traffic studies that there are an average of 3.5 persons in each car visiting the area. This is a year-round average which of course increases during the summer months and drops off again in the fall, winter and spring.

If we can assist you in any other way we shall be glad to do so.

Sincerely yours,

G. GORDON BRUCE, *Acting Superintendent.*

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
CAPE HATTERAS NATIONAL SEASHORE,
Manteo, N.C., November 17, 1959.

Mr. ROBERT A. MCNEECE,
Member, Board of Selectmen,
Town of Chatham, Chatham, Mass.

DEAR MR. MCNEECE: It is a pleasure to answer the requests made in your November 9 letter. Visitation has been recorded as follows:

	Visitations	Camper-days use
1955	264,545	
1956	301,675	
1957	324,675	29,298
1958	348,335	160,782
1959 (to Oct. 31)	441,219	178,289

For your further information, we are attaching copy of the latest report covering dune stabilization which is a most important phase of this park's operation; park folders; and copy of my report to the North Carolina Cape Hatteras Seashore Commission.

We appreciate your interest and if we can be of any further assistance, we will be most happy to do so.

Sincerely,

ROBERT F. GIBBS, *Superintendent.*

THIRD YEAR OF DUNE BUILDING AT CAPE HATTERAS NATIONAL SEASHORE—EXCERPTS FROM ANNUAL REPORT FISCAL YEAR 1959

THE STORMS

Damaging storms are a frequent occurrence along the outer bank. Hurricane Helene in September and the northeaster in October were especially severe in quickening the erosion processes.

Hurricane Helene dealt harshly with Ocracoke Island, very much less so on Hatteras Island and comparatively little on Bodie Island. The damage on Ocracoke was extensive enough to be termed a disaster. The storm damage to recently established protective dune barriers and highways was assessed at $477,775. On Ocracoke it could be said that the northern 3 miles were severely wasted by sound to ocean tides, that 90 percent of all recent National Park Service rehabilitation effort was destroyed, and that beach and land areas were deeply eroded and scoured. In comparison the hurricane damage on Hatteras Island was estimated to be $7,000 and $1,500 on Bodie Island.

Several northeasters occurred during the year, but the October 18, 19, 20, and 21 blow caused widespread beach erosion, pounded the dunes, broke through in several places flooding highways and inland areas with water and sand. A survey estimated Bodie Island damage at $22,700 and Hatteras Island at $88,500. High winds and heavy flooding rains damaged National Park Service buildings and roads; the estimated repair cost was over $15,000.

The North Carolina State Highway Department estimated the damage to island roads at being over $100,000.

Mr. McNeece. I will merely discuss this in general terms. Before doing so, however, I would like to express the gratitude of Chatham to Senator Saltonstall and Senator Kennedy and Representative Keith for their stepping into this controversy and framing a bill which is particularly suited to the cape. We appreciate very much the many unique features that have been worked into this bill, the feature that urges the towns to protect themselves with zoning, the feature that provides for expansion as far as private development is concerned, the feature which provides for the study committee composed mostly of representatives of Cape Cod. Also, particularly that they gave defined the actual boundaries of the park in the bill so that this will not be left to a matter of supposition, that there is a distinct conclusion in the bill of the actual bounds of the park as it will be adopted, for these features indicate a sincere desire on the part of the Senators and the Representatives to take into consideration the people who are going to be affected so seriously by the establishment of a national seashore park.

As far as the town of Chatham is concerned, we are a little community of about 3,500 people. We have a population of about 10,000 in the summertime. But our year-round population depends almost entirely on the building industry and serving the summer residents in our shops and in our service stations so that we have a basic residential economy. We have very little of the transient tourist trade, with the result that anything that would have a tendency to detract from the residential character of our town would of necessity have a very serious influence on the economy of our town.

For that reason it was necessary that this town give this proposal very serious consideration and we have done so, I think, as you will find from reading the contents of that brief. The town itself has been preservation minded. It has been aware of its need to protect its unique values. It is located off the beaten path. It is on the elbow of the Cape, away from the main arteries of transportation. It has many extraordinary values for residential uses and correspondingly fewer values as far as catering to transient trade is concerned. Because a town recognizes these values and the need to protect them, the town itself has been undertaking for years a program of preserving for itself and for the people of the country areas of shoreline for public landings, public beaches, and other public uses. It has done this by eminent domain proceedings to some extent. But to a very minor extent and only when it was necessary to clear titles, mostly by purchase.

In addition to that means of preserving its own natural resources, the town has enacted zoning bylaws, subdivision regulations and it is now involved in a program to preserve its marsh areas.

Our commissioner of natural resources referred to the need for that. Our town started such a program a year ago at its annual town meeting. It has now before the general court in the Commonwealth a bill to reinforce this program. So the town itself is preservation-minded and therefore sympathetic to the concept of preservation as is the purpose of this bill and it even endorses that concept.

However, as I said before, we have to look at these things in a very cautious way. When we take a parcel of land in our town for the purpose of preserving it for public use we have to think, first,

does it serve a definite need? Is the purpose good? Will it have any ill influence on the surrounding neighborhood? Will the cost be within the means of the town?

And it is pretty much in that same way that we look at this proposal to establish a national park, certain areas of which will be within the bounds of Chatham.

So we consider the proposal segment by segment, and we felt Nauset Beach, because it is a continuation of the great outer beach, which is spoken of so often as being the primary thing to preserve down here, we felt that that was quite a logical inclusion in the boundaries of the park. Our only reservation was and is that there must be some provision made in the bill to assure the town that it will always have passage, the outer waters, through Nauset Beach.

In considering that Nauset-Monomoy area, it seems to have been the opinion of the National Park Service that Nauset and Monomoy and Morris Island were all one continuation but it was a contiguous group.

If you will look at the map of Chatham, which is plate 2, I believe, the National Park Service refers to this as a contiguous group indicating that it will all be together. Historically it is believed that eventually Nauset will join on to Morris Island. Here is the first indication that the National Park Service, and God bless their idealism and their dedication, but it is a first indication of the fact that they probably did not give sufficient attention to the economic relations of Nauset and Monomoy and Morris Island to the town of Chatham.

We have a fishing industry in the town of Chatham which contributes about $600,000 to the town's economy. Under more favorable conditions of passage to the outer waters it would contribute $1 million. It is absolutely vital to the town of Chatham that there always be a passage between Monomoy and Nauset or between Monomoy and Morris Island so that Nauset and Monomoy and Morris Island can never become one continuous group if the town of Chatham is going to maintain its fishing industry.

This fishing industry plus the sports fishing is too important a part of the livelihood of the town of Chatham to have its access to the outer waters denied. However, with that safeguard that we always be assured the opportunity to get to the outer waters from the mainland of Chatham, the town is favorably disposed toward Nauset Beach.

Monomoy Island is now at present a refuge for birds. It is under public ownership. It was taken from the town by condemnation proceedings in 1944 for the distinct purpose of serving as a refuge to be placed under the supervision of a district Government agency. We believe that to change that specific purpose and to change the specific agency is morally wrong if not illegal. We believe that Monomoy should remain as it is, a sanctuary for birds, and a remote place for Americans to reach and enjoy its exclusion.

At any rate, because it is not a physical part of the land and because, as you must have observed in your trip this morning, it is about 18 miles removed from the park center as proposed in Eastham, it offers little to the American public who is going to expect to see the shore and recreational facilities, it offers so little that it would not be justified as appearing in a national park brochure which would

be circulated throughout the country and would invite a great number of people merely out of curiosity, possibly, to come to Chatham to see Monomoy Island.

Morris Island is a little entity, almost an entity. It is attached physically to the Chatham mainland by a dike but it is not attached to Monomoy Island so that there could not be anything gained by having Morris Island and Monomoy land under one roof in the Department of the Interior. Morris Island must be considered by itself. It is an area of about 25 acres of woodland. Its distinctive feature pointed out in the National Park field service report is a white-cedar swamp. It is considered to be an excellent site for camping.

Now, we have a State park not too far away from here in Brewster. Brewster has 1,750 acres of land. In it there are 405 camping sites, approximately. If the National Park Service were to establish a proportionate number of camps on Morris Island they would arrive at a figure of about 50. The valuation of Morris Island for private development purposes is now rated at a market value of about $10,000 an acre, which means that eventually the island will have an assessed valuation of $1 million, conservatively, that it will provide for the town of Chatham tax revenue of $50,000 annually.

Now, it seems to use that to use an area that may provide revenue of $50,000 a year for the site of 50 camps is not using that land to its best advantage. I think it is one of the desires of the National Park Service itself to make sure that the areas within its parks are used for their particular best purposes. I don't think, either, that one can argue that by using Morris Island for a camping site it is serving an idealistic purpose—by using it for private development it is serving a materialistic purpose, because the revenue which the town of Chatham will get from Morris Island, $50,000 annually, will go toward providing part of the education of its children. It will go partly toward the care of its elderly. And because it will make it possible for the taxpayers of the town to avoid higher taxation, the amount that they save thereby they may contribute to CARE or some similar organization helping people all over the world.

So the idealistic purpose of retaining Morris Island under private ownership is going to be related to the same purpose which is held out for, if it were to be used for a public camping area. So it seems to us that it not quite reasonable to use a million dollars worth of property for a small number of camping sites, relatively, in that particular location.

Now, we have to consider the possibility that the inclusion of any part of Chatham, mainland Chatham, which is going to result in traffic being invited through the town, having an ill effect on the general character of Chatham. We believe that it is perfectly sound, it is absolutely sound to say that an increased amount of traffic directed into the town by national publicity will have a tendency to detract from the desirable character of the neigborhoods within the town. We therefore believe that it is a matter of determining whether or not such traffic will be attracted. We believe that we have proved it in our brief that it will be attractive. We have checked on the history of the Arcadia National Park, the attendance at the Arcadia National Park, we have checked on the experience of the national seashore which has been established at Cape Hatteras. We

find that the visitation figures at Cape Hatteras show 248 percent increase in visitation in the short period of 6 years in which it had been established.

There can be no doubt that the establishment of a national seashore park on Cape Cod is going to have a very serious effect on the whole of the cape. There can be no doubt that its effect is going to be most serious on the towns immediately adjoining it. Therefore, it seems to us that it would be—that that area must be confined to as compact an area as possible. We believe that is only consistent with good zoning principles, which the bill urges, that the area of the park be compact.

We believe that it is not only the seashore and the dunes and the waves that contribute to something that Cape Cod means to the American people. We believe that an unspoiled little cape town, its little old white Cape Cod cottages, its neatness, its order, its white churches, meeting houses, we believe that the charm of a cape town as a unit contributes a great deal to the heritages that we are trying to preserve for future generations.

And we believe it should be the desire of the National Park Service and I am sure it is the desire of the Senators and the Representatives to preserve the purity and the beauty of these little cape townships. And we feel that if Morris Island and Monomoy are included in the bill instead of the National Park Service protecting the town as a thing of beauty they will be inviting injury through the town.

We feel in Chatham that we can prudently offer the national seashore a contribution. We want to. It is part of our spirit and our makeup there to want to preserve the unspoiled, beautiful areas. Therefore, we offer, too, for the inclusion within the bounds of the park, the Nauset Beach area, provided the National Park Service through the bill itself withdraws their proposal to include Monomoy and Morris Island. We feel that this is a perfectly fair and reasonable proposal. We feel it proves our desire to contribute something to the proposal but it also shows our need to protect the welfare of our citizens.

Gentlemen, there is no point in my taking up time that may be used by more fluent speakers or something more effective to say. Our argument is within the brief.

Thank you very much for the opportunity of appearing here.

Senator Moss. Thank you, Mr. McNeece. I am sure we will not encounter many more fluent speakers than you. You presented your case very well and very clearly and made a very excellent statement for the committee.

I think that we can follow very well the points that you made for the record. As I indicated before, the entire brief will be made a part of the record.

Mr. Callaghan. May I ask a question, Senator?

Senator Moss. Yes.

Mr. Callaghan. Mr. McNeece, do you feel that if Monomoy Island, Morris Island, and Nauset Beach are excluded from a national park and that the concentration of the park itself were farther north of the cape, do you feel if it is established away from Chatham that Chatham will necessarily be spared the incidents of increased tourist visitation?

Mr. McNeece. Not entirely. Not entirely. I think there is bound to be a filter effect of visitation affecting all of the towns on the cape. I think that effect will be greater in the towns more closely connected with the park center. But I think the cape as a whole is bound to get a certain amount of that traffic.

Does that answer your question?

Mr. Callaghan. Yes.

Senator Moss. Senator Saltonstall, do you have a question?

Senator Saltonstall. Yes, thank you, Mr. Chairman.

I would like to ask just this one question. You mentioned the economic effect of not being able to get out in the Atlantic Ocean if Monomoy and Nauset Beach were put together as it was indicated it might be. Is not there another reason? Can you physically control this great body of water in Pleasant Bay and so on without an access somewhere along these lines outside of Chatham without danger to Chatham or without changing the contour of the land very much? I noted the changes in the 100 years.

Mr. McNeece. If I understand you correctly, will it be possible to join Nauset and Monomoy and still provide access to Chatham?

Senator Saltonstall. No. If you closed up that area would not that physically, is it not physically impossible to do that with safety, because of the mass of water in Pleasant Bay and so on? If a storm comes what will happen and would not there be a new opening broken somewhere else?

Mr. McNeese. That is right. Nature has proved that over a period of 100 years, as you can see on plate 3, the map that indicates shoreline changes. There must be. Well, if man does not provide the openings to Pleasant Bay and to Stag Harbor, then nature will.

Senator Moss. Thank you very much, Mr. McNeece.

We also have Mr. Hutchins, Board of Selectmen of Chatham.

STATEMENT OF SABIN A. HUTCHINS, BOARD OF SELECTMEN, CHATHAM, MASS.

Mr. Hutchins. Mr. Moss, I will have to be asked to be excused of making any speech. I have a very bad throat today. If you will please excuse me. I will only mutilate my intention, but I would like to go on record as favoring the Senate bill as it is now written because out of the bill as it is written are houses and beach which we hope we can be able to save under this present bill.

If this present bill does not pass, I am afraid we will go back to the other bills and be slaughtered by them. I think it is a medium of compromise that most people in the town of Chatham will be willing to concede.

Senator Moss. Thank you, Mr. Hutchins. We appreciate your brief statement.

Mr. Franklin S. Murray, member of the Board of Selectmen of Orleans will be our next witness and then after him will be Mr. Hurd, selectman of Eastham.

You may proceed, Mr. Murray.

STATEMENT OF FRANKLIN S. MURRAY, MEMBER, BOARD OF SELECTMEN, ORLEANS, MASS.

Mr. MURRAY. We are, on the whole, in favor of Senate bill 2636 as written by Senators Saltonstall, Kennedy, and Congressman Keith.

There are a few pertinent points in it that we do not think are perhaps sufficiently spelled out for our information, that perhaps could be clarified in it.

Orleans has been public-beach minded for some years and they have authorized a selectman through their town meetings to acquire beach land for public use, which we have done to a considerable extent. And in doing that there has been substantial costs involved. Up to the present time, Orleans has spent in acquisition and improvement about $45,000 for sections of what the bill calls the great outer beach or Nauset Beach. We have at the present time two eminent domain suits pending against us which could add to that substantially. And the bill goes fairly well into detail as to how they will deal with private individuals who own improved property within the proposed area but it does not take in municipal-owned property, whether they intend to offer them any compensation for the expense they have gone to.

And as point No. 1, Orleans is a first point of access from the major highway, Routes 6 and 28, to the outer beach or to Nauset Beach. As the Senator says, coming in he noticed what fine highways we have. We do on our major highways. Our secondary roads run into Nauset Beach, which are town controlled and town supported, and are at the present time barely adequate to take care of the traffic that uses it in the summertime. If, as the park department hopes this bill goes through, that it will attract many more cars and many more people to the area, the roads, secondary roads would not be sufficient to service the cars, there would be matters of land taking for road widening and so forth and that would be, as up to the present time, would be an expense to the town.

Would the Park Service, or could it be written into the bill that the Park Service would participate on a sharing basis with the town in constructing access roads they are going to use as lead-in roads to the proposed park area?

Orleans has never closed their beaches, their public beaches to the use of any people at any time throughout the year. It has been opened 24 hours a day right through the year for whatever purpose the people might want to use them for, fishing, fowling, in season, within the limits of the law, bathing in the summer, and the question has been brought up would there be a limit put on the use by the Park Service, that is, as to any part of the year or any particular part of the day or would they still have the same use that they have had since time immemorial of going to the beach and using it for any time for any legitimate purpose that we wished.

And in the next areas of beach land that the town has acquired as public beach there have been some private camps on those which in their acquiring the town has given a life tenancy to the owners of the camps or specific number of years, 15, to be exact, whichever they chose. Would those rights run with the Park Service if the town

saw fit to turn over the entire municipal-owned area to the Park Service if this bill went through?

I think that is fairly important and would have quite a bearing on what action the residents of Orleans might take at town meeting as to voting to turn it over to the Park Service.

Senator Moss. Certainly those are pertinent questions but I would propose to submit these questions to the National Park Service or the Secretary of the Interior and see what answer we get to them and we can include that as part of the record so you can see what answer they set down at the time the record is printed. Would that be satisfactory, Mr. Murray?

Mr. Murray. Very. I think some of these questions are probably more administrative than legislative, too.

Senator Moss. Yes, I think they are administrative questions. Perhaps they would become legislative questions if the administrative answer were something different than we intended by our legislative proposal. But if they could be answered satisfactorily from the administrative point of view, then you would be satisfied at that point, I take it.

Mr. Murray. That is right, yes.

Senator Moss. Would you make a note, Mr. Callaghan, so we can send that on to the Secretary?

Mr. Murray. I think that is about all. Everything else is in the brief here and can be better studied by you when you have more time to do it.

I thank you for your time and your attention.

Senator Moss. Thank you, Mr. Murray. The entire brief, of course, will be part of the record, and we will study it carefully.

(The brief follows:)

Brief for Orleans, Mass., on Proposed Cape Cod National Seashore Park

The Orleans Board of Selectmen submit the following background information and opinions in respect to Senate bill 2636:

Orleans is situated at the intersection of the two main highways serving Cape Cod (Routes 6 and 28) and is therefore easily reached from anywhere on Cape Cod. This easy accessibility has made Orleans the shopping center for this section of the lower cape and the adjoining towns to a large extent depend on our town for much of their trading and services. Thus, during the summer months a large volume of vacationers from the surrounding area converge on Orleans for their needs both mercantile and recreational. Not the least of our recreational assets is Orleans Beach situated on the Atlantic Ocean side of the town proper. Unlike most of the ocean beaches on the lower cape, Orleans Beach is readily accessible without encountering steep bluffs, cliffs, or dunes between the auto parking area and the beach proper. For a vacationer traveling from the canal down the length of the cape, Orleans Beach is the first beach actually on the ocean that he will arrive at. Because of these unique geographic and topographic features Orleans Beach attracts vacationers from all over the cape and adjacent communities.

To properly evaluate the part of Orleans that is proposed to be included in the national seashore park we will consider: (1) the beach land (Orleans Beach); (2) the upland (property entirely owned by the Payson family).

In 1926 by action of the town meeting the town acquired ownership of 2,000 feet of Orleans Beach to be used for a parking area and general recreational uses and constructed a small building to house restroom and bathstall facilities under the supervision of the park commission. Subsequent to 1926 there have been a number of town meeting actions for the purpose of acquiring more land and also to appropriate moneys to improve the facilities and enlarge to parking capacity. Probably the most significant of these actions was the action taken

in 1957 directing the selectmen "to purchase, accept as a gift, or take by eminent domain all of the beach and meadowland not now owned by the town of Orleans, between the Eastham town line on the north and the Chatham town line on the south." Working with the town council the selectmen have made considerable progress in carrying out this vote. Title to all of the beach and meadowland south of the town parking lot now rests in the town of Orleans; some of this has been accomplished by negotiation, some by outright gift, eminent domain had to be resorted to in some instances. As of December 1, 1959, the town has paid one court award and there are two other cases awaiting trial presumably in the spring. We are still in the process of acquiring the properties involved and have not exercised our authority under eminent domain on the section from town of Orleans parking lot north to Eastham line. The reason for this is due to negotiations being carried on with the owners involved on the basis of the town acquiring legal title by purchase at a nominal price, incorporating what the owners feel are protective restrictions on the land in question. Unless these negotiations are productive of final settlement at an early date we plan to take eminent domain action.

In the area from town of Chatham line we have by negotiations accepted deeds to some pieces of property, including buildings, these deeds specifying use of the building and 1 acre of land to the grantor for 15 years or for life, whichever is the greater. If and when these properties are transferred to the Park Service, the deed agreements would still hold. Cost to the town for land acquisition to December 1, 1959, is $23,857.14; for improvements $19,294.27.

The administrative policy of operating the beach has always been an important factor in its popularity. The beach has always been open to the public 24 hours a day and 12 months of the year, with no restrictions on fishing, hunting (within the seasons prescribed by State or Federal law) or any other activity of a recreational nature. The restroom and bathhouse facilities are open each year without charge from mid-June until mid-September; a nominal parking fee for automobiles of nontaxpayers was instituted in 1955 effective only during July and August. The most current figures covering the period from June 27, 1959, to September 9, 1959, show that Orleans Beach accommodated 131,750 automobiles carrying 287,250 people; there is no accurate way of estimating the number of people who enjoyed the beach during the balance of the year. The sole vehicular approach to the parking lot at Orleans Beach is presently adequate but with any substantial increase of traffic will present a problem during the summer months.

The areas in question are among the most accessible of any areas in the proposed park and lend themselves ideally to expansion of facilities for seashore use.

If the Orleans areas are incorporated in the park there undoubtedly would be substantial expansion and improvement of the facilities there, which in turn would promptly create a serious problem not now existent. We refer to the present road access to the area in question. The necessary improvement of access would involve substantial land damage and road construction. This we do not feel that the town could assume. It is conceivable that when this projected situation developed that the Park Service would necessarily have to assume the obligation of improved access, but we wish to record this potential at this time.

The second consideration regarding the property included within the proposed national seashore park is the private property. In the case of Orleans the private property involved is all upland and title is vested in one family. May we, herewith, submit for your consideration a portion of a letter dated August 6, 1959, and signed by William L. Payson. Mr. Payson is the senior male of the Payson family.

"In 1886, my grandfather bought Pochet Island, Little Pochet Island, Sampson's Island, and Hog Island at the northeast corner of Pleasant Bay in Orleans, the only upland in the town of Orleans included in the proposed Cape Cod National Seashore. From then on he, his four children and their descendents, five generations all told, have spent their vacations on Pochet Island. The place means more to us and our children and our grandchildren than any other spot and we don't want to lose it.

"Pochet Island itself is separated from the beach by a creek 300 yards or so back from the beach. Sampson's and Hog Islands are even further back from the beach, and separated by a very broad creek therefrom. Little Pochet Island is contiguous to the beach.

"The Payson family has no inclination to develop these lands. We care too much for them in their present wild state. We have four summer residences on Pochet Island, one of them fairly large, another a very old story-and-a-half Cape Cod house, and the other two, camps, various outbuildings including a boathouse, and a tennis court. Nothing at all fancy but adequate for our purposes. I, myself, now spend about one-half my time in a year-around house that I have built on the mainland nearby. I can truthfully say that I am more interested than most in preserving Cape Cod as I have always known it.

"I believe that the great outer beach from Provincetown to Monomoy should become public lands for the benefit of all. I heartily approve the act of the town of Orleans in taking the entire beach in Orleans and have, on behalf of the Payson family, offered to give Little Pochet Island, the contiguous piece of upland referred to above, to the town for park purposes. I hope that the other towns will do what Orleans is doing but if the towns won't or can't make parks out of their beaches I hope the Federal Government will step in. However, it does not seem right that so much upland, including so many houses, should be taken from their owners."

The following is a list from the assessor's records showing the parcels owned by the Payson family and proposed to be included within the park boundaries.

Little Pochet Island, 2.51 acres land only	$1,300
Pochet Island, 139.5 acres:	
Land	8,760
Buildings	11,815
Sampson Island, 30 acres, land	900
Hog Island, 12 acres, land	940
Totals, 184.01 acres	23,715

(The assessed values represent one-half of the actual value as of 1954 as established by an independent revaluation program conducted by the J. M. Cleminshaw Co. for the town of Orleans in 1954–55.)

At first glance S. 2636 is a magnificent piece of legislation insofar as it affects the town of Orleans. Of particular interest in section 2(a) "* * * may be acquired only with the concurrence of the owner * * *" Since the town of Orleans is governed by the town meeting we, the selectmen, interpret this to mean that concurrence would mean a vote of assent at a town meeting. We submit the following questions upon which we would require clarification or complete agreements before submitting the proposal to a town meeting.[1]

1. What reimbursement could the town expect for the acquisition and improvement costs at Orleans Beach?

2. What would be the administrative policy of the Park Service as to the freedom of use that the public has heretofore enjoyed?

3. What would be the administrative policy of the National Park Service as to the immediate and future development of improvements to and at Orleans Beach? What, if anything, would the Park Service do to combat erosion?

4. Anticipating a greater influx of traffic when Orleans Beach may be under the administration of the Park Service, what relief could the town expect from the Government for the necessary and inevitable road widening or construction adequate to cope with the greater numbers of cars attracted by a national seashore park?

5. What cooperation, financial or otherwise, could the town expect to get for the planning assistance (economic, land use and related subjects) that would become necessary in the areas outside the perimeter of the proposed park? What assistance could the area as a whole expect?

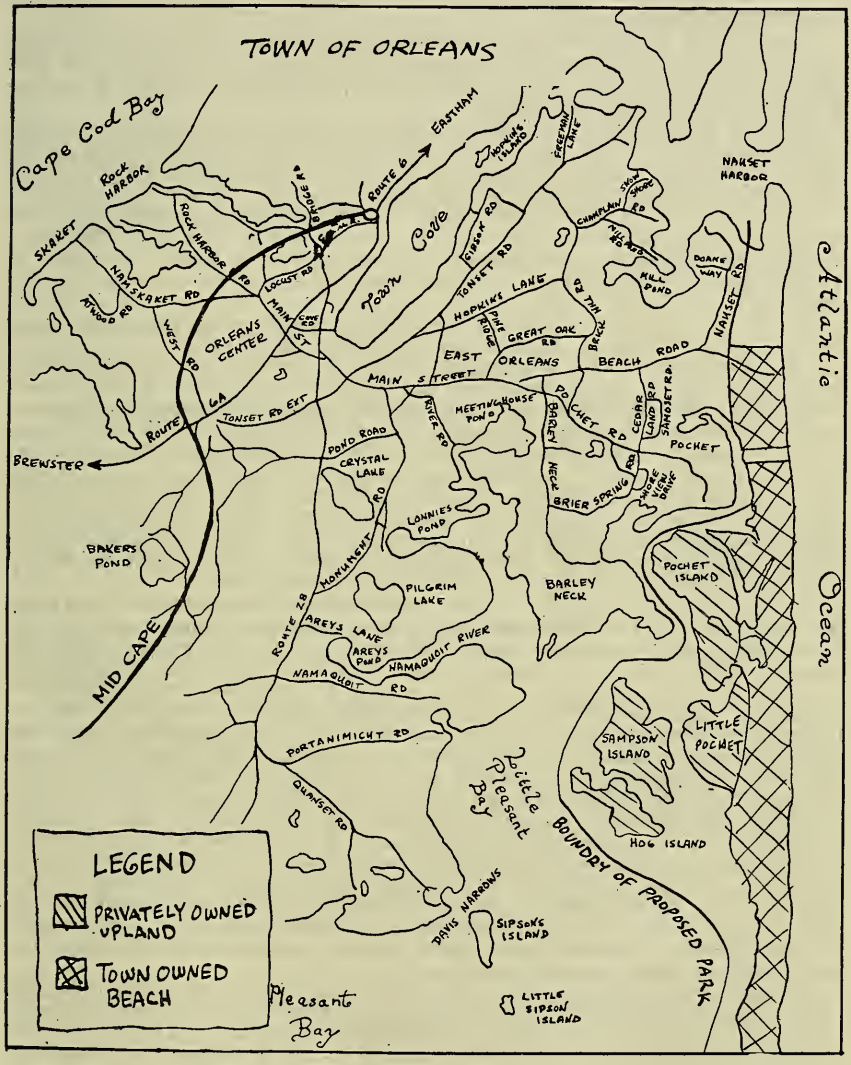
6. Since many of the beach parcels now in the town of Orleans ownership contain restrictions or reservations for life tenancy, etc., what would be the attitude of the Park Service to these deed restrictions and/or reservations?

These are some of the questions which will be asked by the voters in town meeting. There will no doubt be others. Upon the answers will depend what action the people will take in the town meetings on the question of turning over the beaches they own to the National Park Service. The people of Orleans have already shown through their town meetings that they believe in public ownership of all of their oceanfront beach. They will be unlikely to turn over to the Department of the Interior ownership and control of these beaches which

[1] See letter following this statement from the Interior Department regarding these questions.

they have won for the town unless they are given definite and enforcible assurances that the Orleans Beach will continue, as it now is, to be governed for the benefit of all the people including themselves.

To summarize: The opinions stated above are the opinions of the Orleans Board of Selectmen after careful consideration of the bill (S. 2636) and after conversations with many of our resident and nonresident taxpayers. Although we agree with the spirit of the bill we urge strongly that our questions may be answered at an early date. We further hope that early consideration may be given to the particularly difficult economic problem of our neighboring towns.



Senator Moss. Are there any questions or comments?

Thank you very much, Mr. Murray.

(The following communication was subsequently received from the Department of the Interior and was ordered printed:)

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 4, 1960.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR MURRAY: We have your letter of January 5, and we are pleased to have the opportunity to comment upon questions raised concerning the proposed Cape Cod National Seashore Park by Mr. Franklin S. Murray, a member of the Orleans Board of Selectmen.

Although the National Park Service has made preliminary studies of possible park developments on the outer arm of Cape Cod, should a national park system area be authorized there, the Service is not in a position to reach final conclusions until such time as such an area is authorized and a master plan is drawn up in accordance with that authorization. We realize that it is often difficult to evaluate a park proposal without a definite master park plan in hand. However, it would be unwise for a Government bureau to commit itself in advance to specific plans which changing circumstances might later prove to be undesirable.

Insofar as it is possible, however, we shall here endeavor to answer the questions raised by Mr. Murray, in the order in which you listed them:

1. Mr. Murray has asked what reimbursement to the town of Orleans he could expect if the beach and the improvements thereon which it owns were acquired for national seashore purposes. This property could be acquired in the same manner as private property; namely, by purchase at fair market value ascertained by qualified disinterested appraisers. It would be hoped, however, that the town would be willing to donate such lands for national seashore purposes.

2. Mr. Murray has asked what freedom of use the public might enjoy if the area were under the Park Service administration. Since our national park system areas are established for all the people, there would be no restrictions except those designated for public safety and order and to protect the scenic, scientific and historic features for which a park is established.

3. In his question No. 3, Mr. Murray asks about the Park Service administrative policy toward immediate and future development of improvements to Orleans Beach, and he asks also what will be done to combat erosion. The National Park Service's preliminary land-use plan for Orleans Beach marks it as one of seven developed beach activity areas in the proposed national seashore. Under this plan the traditional beach activities that have heretofore been enjoyed there would be provided for; namely, swimming, picnicking, and surf fishing. A ranger station is also envisioned for that area if a Cape Cod National Seashore is established. In general, the beach facilities recommended by the National Park Service for such an area as Orleans Beach would include dressing rooms, comfort stations, minor concessions for necessary services, lifeguard equipment, and ample automobile parking. The facilities and parking areas would be located as conveniently but as inconspicuously as possible to minimize intrusion upon the landscape. Since beach buggy activity is popular in this vicinity, it has been suggested that an area south of the Orleans Beach activity area be designated for beach buggy use. Indiscriminate beach buggy traffic, the National Park Service feels, would not only jeopardize public safety but would damage the sand-dune vegetation.

Appropriate and effective steps to control beach erosion and to stabilize park areas without altering the natural scenic conditions would be undertaken by the National Park Service within limitations of available funds. The Service would hope to study the problems of erosion in the area in order to reach a conclusion as to what erosion-control measures were practical. As you may know, the National Park Service is engaged in a beach erosion control program at Cape Hatteras National Seashore Recreation Area, and has expended some $100,000 annually over the past few years to establish barrier dunes and to do research in erosion problems.

4. Mr. Murray's fourth question asks what relief the town could expect from the Government for road widening and construction adequate to cope with the

greater number of cars attracted by a national seashore. Although there is no authority for this Department to aid in road improvements on private lands outside park boundaries, a community faced with the problems envisioned by Mr. Murray's question could seek aid through the State road authority, which could in turn seek Federal assistance as provided by the Federal-Aid Highway Act of April 16, 1958. Under the terms of this act, the Federal Government can provide up to 50 percent of the cost of State-approved primary and secondary road projects, as well as urban extensions of such State road systems.

5. Concerning Federal cooperation in town planning (Mr. Murray's question No. 5), there is no existing authority for providing funds for planning assistance for areas outside Federal jurisdiction. Of course, the personnel administering the national park system always stands ready to cooperate with the neighboring local governments in offering such consultative services as the National Park Service is able to provide.

6. Concerning Mr. Murray's sixth and final question as to whether the Federal Government would honor restrictions and reservations contained in property deeds now held by the town, the Federal Government would, of course, honor any valid deed restrictions which might pass with the title to property acquired for national seashore purposes.

We sincerely hope that this commentary will be helpful not only to the town of Orleans, but to the Senate Committee on Interior and Insular Affairs.

Sincerely yours,

ROGER ERNST,
Secretary of the Interior.

Senator Moss. We now call Mr. Hurd. Mr. Hurd is a member of the board of selectmen of the town of Eastham.

Go right ahead, Mr. Hurd.

STATEMENT OF PRINCE H. HURD, JR., MEMBER, BOARD OF SELECTMEN, EASTHAM, MASS.

Mr. HURD. My name is Prince Hurd. I am the junior member of the board of selectmen for the town of Eastham.

On behalf of the town as the host town for this hearing I would like to welcome the panel here today and trust that from it they will get the information they seek.

We also want to express our appreciation to the committee for coming to the cape so that it could get the views of the people vitally concerned.

The position of our board, we feel, is a studied one after numerous meetings, conferences, and discussions with taxpayers, nonresident taxpayers, visitors, organizations within the town and our neighboring towns, and I would like to make particular note, which is set forth at great length in our brief, to a poll taken by our board of trade. The board of trade sent to every taxpayer, whether resident or nonresident of the town of Eastham this questionnaire that is submitted in our brief, together with the text of Senate bill 2636 and the explanatory text that accompanies it.

You will find in our going over the results of that poll that poll that of the residents in the town of Eastham answering this poll 66 percent were in favor of the park in principle, provided it had a smaller area. Of the nonresident taxpayers answering, 60 percent favored the proposal on a smaller area.

All told 78 persons of the resident taxpayers answering the survey favor the proposed legislation in principle and by that, gentlemen, I mean that they are in favor of the park as proposed or on a smaller land area taking, and 83 percent of the nonresident taxpayers answering this survey favored the proposed legislation.

However, as the board of selectmen, we feel compelled to be critical of certain aspects of this bill. I want to point out particularly that the bill, and we think it is fine, that it does set forth at length the protection it proposes to give to property owners within the area. However, from no source have we discovered what protection you are offering those persons who for whatever reason feel compelled to give up their property, either to the Government or to another owner in the event of the enactment of this bill. We feel that suitable provisions should be made for these people. We feel that the suspension of condemnation proceedings for at least 1 year, and which could go to a period of 5 years in the event that the zoning provisions of the bill are not enacted, could work undue hardship on these people and therefore we submit that there should be some protection giving them the right to negotiate in the event of the enactment of the bill immediately with the Park Service, and that suitable funds should be provided the Park Service immediately for this purpose.

As an attorney practicing here in this community, I am also critical of the determination for paying property owners. The bill submits, or states, rather, that it would be fair market value as determined by the Secretary of the Interior. I would like to submit that the test in paying a property owner should be what is known in legal parlance as the reasonable man test, taking into consideration the value of sales of a like nature and like area in the immediate area of the person with whom the Secretary will be negotiating.

We feel that the land involved has best use for not only recreation purposes but development purposes. The explanatory text and literature accompanying the bill sets forth that the land proposed to be taken is best suited for recreational purposes and that without enacting this bill it will fall under commercialism and real estate subdivisions.

We submit that perhaps there is land in this area that is best suited for commercialism or real estate subdivisions and that this should be taken into consideration so that the person negotiating with the Secretary would not be obliged to go to a Federal court to prove his point with its attendant costs and inconvenience.

We also feel that in section 4(d) of the bill which defines improved property that this works an undue hardship as to the property in the town of Eastham. You will note that the town of Eastham has seen fit to adopt zoning regulations which have been in effect since the year 1952. The arbitrary cutoff date of September 1, 1959, as to an improved piece of property is depriving the property owners within the area of a property right which must be protected.

Further, we approve of the principle of zoning as set forth in the bill but we feel that the Secretary of the Interior should be given a specified period within which to issue his regulations and submit them to the towns involved so that the people within the towns will have the time to study, approve, and vote on those regulations in accordance with them.

We also submit that the attorney general for the Commonwealth of Massachusetts should be brought into the picture because zoning by laws as adopted by the towns issue or stem from an enactment of our general court, and if the regulations do not meet the approval of the attorney general the results could perhaps be disastrous.

Quite frankly, dealing with the provisions in section 8 of the bill for tax reimbursement of the town, the board of selectmen for the town of Eastham are not in a position to state whether full reimbursement for a period of 2 years plus the proportionate reimbursement in the year of taking is satisfactory. However, we feel that this matter should be given more thought and that it should be a more flexible period of time in order to help the towns involved to adjust to the taking and its resultant loss in future tax revenue.

There are other items that our board calls your attention to with reference to this tax return or reimbursement which I submit are fully set forth in our brief and are self-explanatory.

We have heard from a previous speaker this morning about the advantages that this park will have for recreational purposes. We submit, however, that if the recreational purposes as set forth by the speaker are to be fully used within the area, there would be a loss of the other purposes as set forth in the bill, that the recreational facilities proposed by the bill would consume the entire area. The purpose, we understand, of this legislation is for reservation, primarily, and recreation should be a secondary consideration. We admit and hope that if this bill is enacted that the historic and natural recreational uses made of the area will continue. However, we abhor the thought that other recreational facilities suggested in section 9 of the bill should come to pass for it would ultimately denude the property and the conservation and preservation principles argued and proposed in this bill we feel would be lost.

We humbly hope that the committee and the Congress in its wisdom will take this into consideration in a final statment of the bill that would be passed by the body.

Now, the town of Eastham is somewhat perplexed as to the proposed boundaries of the area as it relates to the town of Eastham in particular. The explanatory text of this bill sets forth that the boundaries were determined by principal geographic features. I am not trying to be facetious but I question what is the geographic feature of the "easterly right-of-way line of a power transmission" or the geographic feature of the "easterly right-of-way lines of Nauset Road and Salt Pond Road."

The geographic features of the bill as it relates to this town are more to be found in the area in back of the town hall here and along the ocean front, and the area that the bill proposes cannot justify its setting up the boundaries if it was done on the terms of the principal geographic features.

Therefore, we would like to suggest that the westerly boundary in the town of Eastham could be better drawn provided that the area between the proposed boundary at this time and the line that is finally drawn be properly and suitably zoned to meet the Secretary's proposed zoning regulations. The town, we feel, would be obliged to provide zoning by laws for residential use containing lots of sufficient area frontage and setback lines.

Such a use of this so-called buffer area, we think, will be complementary to the bill's present zoning and 10-percent area provisions.

Such an area suitably zoned would also meet the explanatory section set forth accompanying the bill that the Federal Government would not be obliged to adopt and submit such legislation were the Federal

Government empowered to impose or adopt, rather, zoning bylaws for local communities.

Our proposal as to the suggested boundary areas with this zone area in between accomplishes the purpose set forth by this legislation and it still provides accessibility to the park area and gives the park area sufficient area in our town.

Plus, and what is probably more important, it would provide an area for the future development of our town of which we are all vitally concerned.

The board of selectmen is in substantial agreement with reference to this suggested boundary. We would like to submit this boundary at a later date after having had first an opportunity to meet with our representatives on this and submit at greater length the details and reasoning behind that.

Senator Moss. You will be granted that privilege. You may do so at a later time, and the entire statement here, the brief that you have prepared will be a part of the record.

Mr. Hurd. Thank you, sir.

(The statement follows:)

Statement of the Board of Selectmen of the Town of Eastham, Mass.

The position of this board is, to a certain extent, the result of discussions with townspeople, nonresident taxpayers, visitors, conferences with officials in our neighboring and affected communities, and our own studies of the bill and its effect from a municipal point of view with particular reference to its impact on these our citizens and neighbors.

At this point, it would be well to dwell a moment on a poll taken by our board of trade. This organization sent to every taxpayer, whether a resident or nonresident, a copy of this bill with its explanatory text as taken from the Congressional Record. The addressee was urged to fill in the questionnaire herewith reproduced:

EASTHAM INQUIRY

(Please check answer)

1. Resident _____.
2. Nonresident _____.
3. My property is in _____ not in _____ park area.
4. In favor of park as proposed? Yes _____. No _____.
5. In favor of park of outer beach but to avoid areas of present year round and summer homes and adjacent lots as much as possible _____.
6. Against any form of park _____.

Comments:_____.
Name:_____.
Address:_____.

1,562 letters were sent out with returns from 739, or 48 percent took the time to reply to this poll. Of those answering, 178 (24 percent) were resident taxpayers; 561 (76 percent), nonresident taxpayers. A further breakdown shows:

1. Those in favor of the park as proposed: Residents: 21 (7 in park); 12 percent of residents answering. Nonresidents: 127 (23 in park); 23 percent of nonresidents answering.

2. Those in favor of the park, but with a smaller land area: Residents: 118 (34 in park); 66 percent of residents answering. Nonresidents: 341 (67 in park); 60 percent of nonresidents answering.

3. Those against any form of park: Residents: 39 (8 in park); 22 percent of residents answering. Nonresidents: 93 (24 in park); 17 percent of nonresidents answering.

4. 78 percent of the resident taxpayers answering this survey favor this proposed legislation in principle.

5. 83 percent of the nonresident taxpayers answering this survey favor this proposed legislation in principle.

The board of selectmen is indebted to the board of trade for conducting this survey in its endeavor to ascertain the position of our taxpayers on the bill.

However, we are compelled to be critical of certain aspects of this bill in that we believe them to be detrimental to our taxpayers directly involved, and which in turn would have an adverse effect upon our town as a whole.

The bill, its explanatory text and the general literature in support of it have gone to great lengths to protect the property rights of all persons who would be within the boundaries of the park. Sections 4 to 6 inclusive are, we understand, unique in park legislation in defining the rights of persons owning property which may be taken for this purpose. We feel that the bill presumes the property owners will unanimously want to retain their homes and property.

But what of that percentage, whether small or large, who for financial or other reasons, are compelled to give up their property? Enactment of this bill would establish the boundaries, see section 1(b). For the succeeding 5 years, it is conceivable, the 10 percent development area under section 5(b) would not be resolved. During this period our property owner would obviously find it difficult to convey or mortgage his property. In addition, the Secretary has the authority, but not the obligation, to acquire the property in question. In keeping with this line of thought, also, the bill only authorized the appropriation of funds for the acquisition of park land. In the meantime, such a property owner is obligated to the payment of taxes and other expenses in maintaining his real estate.

Therefore, we strongly urge that for the protection of those persons, who for whatever reason, are compelled to leave the area, and prior to the enactment of this bill that—

1. Suitable provision be made for this particular property owner, and
2. Sufficient funds be set aside to compensate him for his property so that his rights, too, are protected.

We further feel that the appropriation, see section 11, should precede or be part of this bill. In these days of rising governmental costs, recreational appropriations would be relatively easy to cut or entirely pass over. Since this proposal will include many homes and other improvements, few if any of which will come within the 10 percent area (section 5(b)), we fear that the lack of funds to acquire these for park purposes will seriously impair the normal development and establishment of the park.

We are told that this bill for Cape Cod presents a unique situation in that it would include many homes not previously encountered in park legislation. This indicates, then, that the reaction of the property owners, once the park is established would be different from other parks previously established. We suggest, therefore, that the Secretary be obliged to deal with those property owners that wish to negotiate for the acquisition of their property rather than be obliged to await his pleasure in acquiring their property. It is submitted that under these conditions, peculiar to this legislation, property owners will not agreeably submit to the payment of taxes without hope of reimbursement. As to these persons the provisions of section 4(b)(1) should not apply arbitrarily. And once again the availability of sufficient funds for these purposes is a condition precedent to the enactment of this bill. Furthermore, in determining fair market value in acquiring the park property, the test should be that of a reasonable man in the light of recent and like sales in the area and not fair market value as determined by the Secretary. The proponents of this bill, of whom the National Park Service is one, states that the proposed area is excellent for recreational, proven by recent sales of like land in the area, be obliged to prove his mercialism and real estate developments. However if that be true, will the property owner who has land more nearly suited to purposes other than recreational, proven by recent salffies of of like land in the area, be obliged to prove his point in a court of law with its attendant cost and inconvenience?

In section 4 the words "within the park" should be added in all appropriate places for the purpose of clarity. For example, section 4(b)(2) as is now reads could possibly be construed to permit the Secretary to condemn property adjoining the park if it were used for a purpose not proper to the Secretary's determination. And in its extreme, the Secretary could condemn a whole town.

Section 4(d) in defining "improved property" works an undue hardship on the town of Eastham which has a duly enacted zoning bylaw. We concede that a cut-off date, such as the date of enactment but no sooner, is desirable. However, since the proposed area as it relates to the town of Eastham falls within our residential zoning district, permitting only dwellings and home crafts, which

the bill purports to protect, now has this cutoff date, and the bill may not be enacted for a considerable period of time, the loss to our building trades could amount to a considerable sum. In addition, the term "improved property" as defined in the bill is far too restrictive insofar as it applies to Eastham. Therefore, we strongly urge that this paragraph be amended to allow:

1. All dwellings be considered improved property up to the enactment of the bill, and

2. All other uses be considered improved property where construction was begun before September 1, 1959.

In principle, we endorse the provisions of section 6 as they provide for zoning, which our town, in its wisdom, has seen fit to adopt. But it is submitted that the Secretary should be given a specified time to issue zoning regulations so that the towns may have sufficient time to study, approve, and adopt its bylaws in conformity with those regulations. And further, it might be well that the regulations adopted by the Secretary be subject to the approval of the attorney general for the Commonwealth of Massachusetts. The results could be disastrous should the town bylaw, approved by the Secretary, be determined invalid by the attorney general, whose office must approve local bylaws since authorization of such bylaws stems from an enabling act of the Massachusetts General Court. And finally, as a protection to future generations, it should be enacted in this bill that no amendment to the regulations issued by the Secretary or his successors in office may be made without the approval of the attorney general and the vote of the town or towns concerned.

By the admission of the proponents of this bill, it was specially drafted because of the unique nature of the property involved. At this time the reactions of the property owners involved and the effect of the park on the remaining property is uncertain. Therefore, as the board of selectment, we are concerned with section 8(a) providing for tax reimbursement to the towns. Quite frankly, we are not in a position to state what term of years is adequate, and we therefor submit that this paragraph should be more flexible to provide sufficient reimbursement to adequately cover any readjustment period, regardless of the term.

Secondly, under paragraph (b) of section 8, the Secretary should guarantee the tax in the event the tax commissioner for the Commonwealth of Massachusetts should see fit not to authorize the town to collect taxes from the person who has a life or term of years occupancy on this property as a result of negotiation with the Secretary.

Thirdly, under paragraph (c) of section 8, this tax reimbursement fund should be provided for out of the appropriation under this bill so as to guarantee the towns there will be funds in the Treasury for this.

And finally, paragraph (d) of section 8 is abhorrent to our position in view of the explanatory text which states that the Secretary is not obliged to acquire land. Our conferences with the National Park Service representatives indicate that it is not their policy to force people to sell to the Secretary, unless they violate the purposes of the park. Therefore this paragraph could very well influence the Secretary not to negotiate the purchase of property for a period of 25 years following the enactment of the bill for the specific purpose of avoiding a tax reimbursement to the town. Hence we feel very strongly that the bill should provide for the obligation on the Secretary to negotiate from the date of enactment, having sufficient funds at his disposal to do so, with those persons who want to sell to him.

Section 9(b)(1) authorizes a wide range of recreational activities to be carried on within the proposed park. In view of the alleged need for setting aside this area, namely to provide open spaces for a bursting population, we feel that the true natural beauty of the area will be lost by such extensive activities. Certain of the proposed activities are natural to the lower cape, but to make provision for all these recreational facilities would hardly provide for the cultural, scenic, historic, and scientific purposes set forth in section 1. Full recreational use as authorized, and which requires great areas, would detract from the primitive wilderness which we feel the advocates desire to be preserved. The survey referred to above favors a smaller park which would preserve Cape Cod in its natural state and not one that would turn it into a mere playground.

Furthermore, section 9(c) authorizing acquisition of lands and waters for migratory bird refuges intimates areas of the park that would be closed to fishing and hunting, natural sports historically associated with the cape. If such use of the lands and waters would eliminate these uses, then we urge

that the Secretary not be authorized to acquire lands and waters for migratory bird refuges.

And now as to the proposed boundary as it applies to the town of Eastham. In the explanatory text accompanying the bill, it is alleged that the boundaries were determined in terms of principal geographic features. We question the geographic feature of the easterly right-of-way line of a power transmission line or the geographic feature of the easterly right-of-way lines of Nauset Road and Salt Pond Road. We suggest that the only geographic features of the proposed park in Eastham are the glorious scenic views along Nauset and Salt Pond Bays, the view overlooking the marshes with the sand dunes and ocean beyond, and the high cliffs along the ocean. We have no geological lakes and ponds in the area proposed to be taken. Outside of the views referred to above, we have nothing to offer but dense scrub pine, of which there are miles rather than acres in other parts of the Commonwealth.

Therefore, we would like to suggest that the westerly boundary line of the proposed park area, as it relates to Eastham, could be better drawn on a line running roughly parallel with the water, leaving sufficient upland for park roads, trails, and other facilities, provided the area between the power transmission line and Nauset and Salt Pond Roads were suitably zoned to meet the Secretary's proposed regulations. The town, we feel, would be obliged to provide zoning bylaws of strictly residential use with lots of sufficient area, frontage, and setback lines. The area involved could be easily laid out in this way, for it has not yet fallen under the surveyors transit to any great extent. Such a use of this so-called buffer area would, we feel, be quite complementary to this bill's zoning and 10 percent area provisions. Such an area, suitably zoned, would also meet the explanatory text of this bill which holds that were the Federal Government empowered to adopt zoning regulations, it could preserve Cape Cod without the necessity of creating a park. Our proposal accomplishes that purpose and still provides accessibility for all to the beaches and scenic vistas of our town, the precipitating factor for the drafting of this bill. And most important of all, it would provide desirable areas for the future growth of our town, and at the same time comply with the wishes of the great percentage of our taxpayers who favor the principle of the park, provided it encompasses a smaller area than that this bill proposes, and at the same time meeting all the provisions of this bill.

Senator Moss. Are there any questions you have of Mr. Hurd?

Thank you very much, Mr. Hurd. It was an excellent presentation.

We can hear one or two more witnesses.

Mr. CALLAGHAN. Mr. Blair, of Blair Associates.

Senator Moss. Mr. Blair.

STATEMENT OF LACHLAN F. BLAIR, BLAIR ASSOCIATES, ECONOMIC CONSULTANTS FOR THE TOWN OF EASTHAM, MASS.

Mr. BLAIR. Mr. Chairman, Senator Saltonstall, Representative Keith, ladies and gentlemen, I am Lachlan F. Blair, the senior partner in the Blair Associates, a firm of planning consultants with headquarters in Providence, R.I.

I was formerly the planning chief for the State of Rhode Island before entering private practice.

At the town meeting of the town of Eastham on November 19 last our firm was instructed to make a survey of the effect of the proposed park on the town. Our study was completed and a report submitted at the town meeting last night in this hall and I have given copies of the report to you.

I have been asked by the town officials to submit it to you for the record and I should like to make a few comments in regard to it.

Senator Moss. The entire report, then, will be inserted in the record at the conclusion of your remarks. You may proceed.

Mr. Blair. This is an objective, professional review of the development trends and town planning factors in regard to the town of Eastham. We have taken in it no position in regard to the desirability of the proposed national seashore park, but have endeavored to present a number of matters which should be taken into account in your committee's consideration of the legislation.

I would like to point out that our study is limited to Eastham. Some of our findings in regard to Eastham would of course not be applicable to the other towns affected. The report is summarized on pages 44 and 45. It is divided into four major parts. In the first section we have analyzed land use and development factors, the recent trends in growth and development of the town and the report includes maps showing recent subdivisions of recent building permits and houses constructed both within and outside the proposed park area.

We have endeavored to project the population of the community under terms of normal growth into the future and find that if recent trends continue the likelihood is that half of the usable land which would remain in town outside the proposed park boundary would be fully absorbed by 1975.

In view of this and after studying the characteristics of the land, marsh areas and their suitability for the various types of development, we recommend that the proposed park boundary be adjusted by omitting three substantial areas. These are shown in the map facing page 18 in the report and consist of areas along the westerly shore of Salt Pond Bay, the segment of the town lying between Nauset Road and Schoolhouse Road and a substantial portion of land in north Eastham.

In the second part of the report we have tried to give our interpretation of the community's objective for its future character, based on discussions with town people and town officials and our observation of what has been happening in the community in recent years.

One characteristic which has been pointed out in earlier testimony of this town as well as other cape towns is the seasonality of its employment structure. We find that establishment of the proposed national park would aggravate that seasonality and tend to conflict with the established objective for the future character of the community.

In the third section of our report we have gone into the tax base and tax rate trends within the community and attempted to make projections as to what effect there would be on these by establishment of the park. We find that in future years, over and above the normal growth of the community in terms of new construction, there would need to be induced by establishment of the park something over $40,000 in assessed valuation of new buildings within Eastham alone each year to offset the tax revenues which would be lost to the town. This is assessed valuations in terms of fair market value. This would be something over $100,000 annually. In part 4 of the report we have turned to discussion of specific portions of the bill S. 2636, and most of these have already been touched on by Mr. Hurd.

I will not go into them in detail at this time but suggest that there be reference made to the full text of the report.

Senator Moss. Thank you very much. As I indicated before, the entire report, except for the excellent charts and maps in color, which may not be printed, will be in the record.

We appreciate your statement. Is there any question of the panel here of Mr. Blair. This seems to be a well worked out report and I think it makes a very fine contribution to our committee.

Thank you, Mr. Blair.

(The statement follows:)

A STUDY OF EASTHAM, MASS., IN RELATION TO THE PROPOSED CAPE COD NATIONAL SEASHORE PARK, PREPARED FOR THE EASTHAM PLANNING BOARD BY BLAIR ASSOCIATES, PLANNING CONSULTANTS

BLAIR ASSOCIATES,
Providence, R.I., December 8, 1959.

Mr. PRESCOTT B. CUMMINGS,
Chairman, Eastham Planning Board,
Townhall, Eastham, Mass.

DEAR MR. CUMMINGS: It is our pleasure to submit this report which is the result of our study of the town of Eastham, Mass., in relation to the proposed Cape Cod National Seashore Park.

The purpose of the study is to provide the basis for expert testimony at the forthcoming Senate subcommittee hearing on the 9th of December 1959. Such testimony was anticipated by Senators Kennedy and Saltonstall and Representative Keith as is noted in their remarks in Congress last September at the time of introduction of the bill to provide for the establishment of the Cape Cod National Seashore Park (S. 2636).

This report concentrates on developmental factors of the town which were not considered in the earlier studies by the National Park Service. While accepting the natural resources aspects of the National Park Service study, we focussed our attention on urban factors and the economic impact of the proposed national park as they might affect the whole of the town of Eastham.

It has been our understanding during preparation of this report that the Eastham Planning Board desired us to present impartial and objective findings on the problems facing the town. It is our earnest hope that these findings will assist the people of Eastham as well as the Members of Congress in arriving at a solution that recognizes both the local and national interests involved.

Respectfully submitted.

LACHLAN F. BLAIR.

INTRODUCTION

A. PURPOSE OF THIS STUDY

Senator John F. Kennedy, in his remarks on the floor of the Senate on Thursday, September 3, 1959, relating to the introduction of bill S. 2636 to provide for the establishment of Cape Cod National Seashore Park, made the following statement as printed in the Congressional Record:

In a bill of this sort in which we are trying to achieve a new method of park establishment and operation and in which we are entering some uncharted areas of park legislation, it seems to us particularly necessary to have local hearings and to *attempt to draw upon the concrete evidence of local officials and citizens.* This bill represents, in our judgment, a sound and balanced basis for the establishment of this park, but in several matters of detail we shall want to keep an open mind. *From hearings we can derive a more precise evaluation of the economic impact of this park and the growth needs of the community.* [Italic supplied.]

This and several other statements in the record indicate that the provisions of the bill are by no means set and that possible changes will be made if adequate concrete evidence is presented at the forthcoming hearings to warrant such changes. On this basis, a study of the bill and its impact on the town of Eastham was undertaken.

It is the purpose of this study to guide the planning board of the town of Eastham, as well as any interested citizen, in forming their opinions and presenting their remarks concerning the proposed Cape Code National Seashore Park. The conduct of this study was approved by the Eastman Planning Board and funds

were voted at a special town meeting held on November 19, 1959, when unanimous approval was given by those present. This planning study was started immediately upon approval of funds by the town meeting and has been completed within 19 days in order to be available for presentation at the Senate committee hearing on the proposed park scheduled for December 9, 1959, at the Eastham Town Hall.

It is the intent of this study to be completely impartial and objective with regard to the proposed national park. This understanding was reached with the planning board and every effort has been made to hold to this intent. The resulting findings and recommendations may or may not fit with prevailing local opinion, but nevertheless they are based upon statistical research and field surveys performed for Eastham, and the resulting recommendations have been based upon the facts as they were found. It is hoped that this approach will serve to strengthen the recommendations and findings so that they will satisfy the Senate committee with regard to its desire for objective criticism of the bill for the proposed park based on concrete evidence.

As is stated in the covering letter to this report, no attempt was made to question the various factors considered by the National Park Service in its original study which outlined the boundary of the proposed park. The Park Service is extremely versed in the fields of wildlife, historic, and natural resource preservation and recreation development and its study of these factors was well executed. This report, rather, concentrates on the developmental factors of Eastham which has been focused on urban factors and the economic impact of the proposed national park as they might affect the whole of the town.

B. CONTENTS

This report emphasizes four facets of the impact of the park in the town of Eastham. In the short time available for this study, the following areas of investigation were considered the most fruitful for producing cogent recommendations concerning the provisions of the Kennedy-Saltonstall-Keith bill:

I. Potentials for growth of the town and how the proposed park would affect them. This portion of the study, in effect, develops a sketch master plan of the town based upon a survey of the existing facts about the community, an analysis of these facts, and a projection of the various growth factors to some 15 or so years in the future. It is the goal of this part to relate such a plan for future growth of the town to the proposed boundaries of the park to determine to what extent such growth would be hindered by the park and to see if some readjustment of the park boundary would be necessary to permit continued healthy growth of the town.

II. Changes in character and effect on the economic base of the town. In this section, the impact of the park is viewed in terms of how it might change the physical character of the town and what this might mean to the way of life as it is led in Eastham. This section is, of necessity, speculative and general in nature, but based on a study of facts and consideration of certain implications of the proposed park. Methods of control and protection also are explored to point the way to preservation, if possible, of the character of the town as it is now known.

III. Impact of the park on the tax base and tax rate of the town in future years. This section of the report presents statistical material concerning assessments, cost of services, and the tax rate to determine if the town will be able to provide the same level of services, as it now provides without placing too great a burden on the residents and taxpayers of Eastham.

IV. Implications of special provisions of the bill on residents and property owners within the park boundaries and on the town.

This part of the report examines the provisions that were incorporated in the bill especially to preserve the "way of life" of the community and to protect the rights of the owners of improved land, to see what the implications of these sections are and how they might best be adjusted to better recognize the rights of the property owner and serve the needs of the proposed park.

The results of the investigations into these four facets of the impact of the park are summarized and recommendations are set forth in a final section entitled:

V. Summary and recommendations.

VI. Appendix.

I. Potentials for Growth of the Town and How the Proposed Park Would Affect Them

A. BACKGROUND

1. Historical growth of Eastham

The town of Eastham since its founding in 1651 has seen a very gradual growth and change in its population and mode of existence. As one of the first settlements in the New World, farming and fishing was its reason for being, and it has continued over the centuries, with farming displacing fishing. A once flourishing coastal trade had completely vanished by the 19th century. With the advent of "leisure time" as a long term result of the industrial reveloution, and the mobility brought about by new roads and automobiles, tourism has become a national industry and Eastham on Cape Cod has shared in the exploitation of a natural scenic asset with which this area is so richly endowed. Our age has produced another phenomenon in large numbers called the "retired person," and he is also attracted to such areas as Eastham to live out his life in a beauteous environment.

So, we see a complete swing of the pendulum of human settlement in Eastham, from the early settlers struggling to wrest a bare existence from the land and sea, to the tourist and retired person striving to relax and enjoy life to the full.

2. Physical makeup

Geographically, Eastham is a small town approximately 5½ miles long by 3 miles wide with the Atlantic Ocean on the east coast and Cape Cod Bay on the west coast. The terrain is flat on the north and south, and somewhat rolling in the central part, with elevations up to 80 feet. The soil is on a glacial moraine, and is of a sandy loam type with wet lands mainly in the south. Nauset Harbor to the southeast has many large islands making it ideal for safe and attractive pleasure craft activity.

3. Land utilization

The total area of the town is approximately 9,320 acres; of which 1,700 acres are developed in some urban use, 1,720 acres are swampland, and 220 acres in fresh-water ponds. At least 50 percent of the town is weeded, with mainly coniferous trees of the peculiarly stunted Cape Cod type.

The development is almost entirely residential, both year round and seasonal, and the commercial activities are directly related to the tourist trade; i.e., motels, rental housing (summer only), garages, restaurants, and gift shops. The only industrial activities are those of a road materials plant at Nauset Road and a plumbing supply house near the Wellfleet line. The town owns a total of approximately 80 acres in small-sized parcels throughout the town, and this includes two beaches at Nauset and First Encounter of 18 and 33 acres respectively.

4. Urban development

The town is generally split in half by U.S. Route 6, and each half exhibits somewhat different characteristics of development. As the accompanying map of developed areas shows, the general growth of residential development has been in the western half of the town and only in the last 5 years or so has growth of any magnitude occurred in the eastern half of the town. The reason for this is probably that the bay shore is more sheltered from wind and storms and the beaches are safer for swimming. The outer beach on the east coast is vulnerable to battering by the elements and shorefront property here has been eroding over the years. Homes in the westerly half of town generally are less expensive than those in the easterly half and the character of much of the westerly half has been the result of the construction of cottage colonies on relatively small lots. Much of this development took place before the town adopted regulatory controls on land use and construction. The easterly half, on the other hand, still retains much of the pristine character of the old Cape Cod and new development, which has been increasing rapidly within recent years, has been in conformance with adequate standards of building and development.

The location of dwellings in Eastham has not been inhibited by availability of services, since septic tank sewage disposal, and drilled well water supply are the rule. The main criteria for past and present residential development pat-

tern relates to land with the following qualities: Waterfront, water view, and cleared land. The first two really dictate the value of the land, and usually the quality of house locating on that land. Currently, lots of about three-quarters of an acre with waterfrontage are selling for around $5,500, while back lots of the same size with water view bring about $3,000. Lots inland are much less expensive and are selling currently for about $1,000.

Surfacing of roads appears to be not a limiting factor, as the drainage quality of the subsoil allows unsurfaced roads requiring very little maintenance.

The following table shows building permit data over the past 10 years, and underlines the increase since 1954 in both value and numbers of permits issued. Growth in the past 10 years has been at the average rate of 85 units per year, including summer and winter residences, and indicates the sustained desirability of locating in the town both for permanent and part-year residents.

TABLE 1.—*Building permit data*

Year	Total permits	Number of residences (seasonal and year round)	Total value (nearest $1,000)
1949	146	72	$318,000
1950	149	96	484,000
1951	106	46	249,000
1952	130	68	349,000
1953	132	76	346,000
1954	112	68	326,000
1955	118	79	360,000
1956	125	68	423,000
1957	122	72	450,000
1958	155	110	708,000
1959	162	102	842,000

Source: Building Inspector Annual Reports.

Further evidence of residential activity and its character is brought out by the fact that, during 1957, of the 72 residences built, 28 were year-round dwellings and 44 were summer cottages; and the corresponding figures for 1958 were 43 year-round dwellings and 67 summer cottages adding up to a total of 110. For 1959, 59 year-round dwellings were built and 43 summer cottages, totaling 102 units.

In common with all Cape Cod towns, although perhaps to a lesser extent, Eastham has motel accommodations to offer tourists, but the interesting aspect of this is that the 83 units in the town were erected during the last 2 years.

Zoning regulations have been in force since 1952 and confirm the division of the town into two residentual districts, east and west of the railway. A continuous strip of land about 500 feet on either side of Route 6 through the town is zoned permissive use with two areas along it, one at the town hall and the other at Brackett Road zoned for business use. The west residential district has less stringent requirements than the east and consequently a relatively lower quality development has taken place generally in this area.

Since 1955, 398 acres have been recorded for 19 subdivisions, 6 totaling 203 acres within the proposed park area, and 13 of 195 acres outside of the park area. The next map shows the disposition of these subdivisions by relative size and year of registration.

B. Population analysis

Eastham has maintained the normal population pattern of a rural community showing only a relatively small increase in 150 years. In the year 1800, the population was 659, and by 1950 it had reached 860, representing an increase, with fluctuations above and below these figures, of only 30 percent. However, there has been a 100 percent increase from 1920 to 1950; and today Eastham, as can be seen in the following table, is the fastest growing town in the lower cape area.

TABLE 2.—*Population growth 1930–55*

	Population		Percent of increase, 1930–55
	1930	1955	
Eastham	543	1,107	104
Chatham	1,931	3,116	61
Orleans	1,181	2,201	86
Truro	513	851	66
Provincetown	3,808	3,415	−10
Barnstable County	32,305	52,728	63

Source: State and Federal censuses.

Under normal circumstances, and this assumes reasonable national economic progress, the towns present pace of population growth might be expected to continue for the near future which, in planning terms, is from 10 to 15 years. The following graph shows population projections over the next 15-year period, using a very rough method of obtaining high, low, and medium estimates. The low figure is arrived at by a straight line projection to 1975 from the 1910 and 1955 totals and is 1,365 or a 23 percent increase. The high figure results from a straight-line projection of the more recent 1945 to 1955 growth, and is 2,100 or a 90-percent increase. The medium projection, which is halfway between the low and the high, is 1,735 or an increase of 56 percent.

The projection of the population to 1975 was also calculated by another method using the natural increase and net migration factors of the 1945 to 1955 period, and assuming these would apply over the 1955 to 1975 period. The following table approximately confirms the high straight line projection figure of 2,100 although the caculated figure is slightly higher at 2,161.

High population projection calculation

1955 population	1,107
Anticipated natural increase, 1955–65	80
Anticipated net migration increase, 1955–65	429
Projected population in 1965	1,616
Anticipated natural increase, 1965–75	116
Anticipated net migration increase, 1965–75	429
Projected population in 1975	2,161

It should be noted that population forecasting for as small an area as Eastham is very difficult owing to the influence of unpredictable outside factors which can radically change the population situation. However, the range of growth as suggested can be meaningful in appraising the future physical land requirements of the community.

C. DEVELOPMENT FACTORS

1. Land area analysis

The acreage involved in the proposed park area has been estimated from our survey at 3,650 from a total town area of 9,320 acres. This means that approximately 40 percent of the total town area is subject to condemnation on the basis of the boundary line proposed in the Kennedy-Saltonstall-Keith bill.

The following table gives a breakdown of developed, undeveloped, and undevelopable land from a residential point of view, in the town of Eastham, and gives approximate figures for these categories by total town area, proposed park area, and remainder of town area.

TABLE 3.—*Land area analysis*

[In acres]

	Entire town	Proposed park	Remainder of town
Total area	9,320	3,650	5,670
Developed land	1,700	360	1,340
Marshland	1,720	870	850
Great ponds	200		200
Total developed and unbuildable	3,620	1,230	2,390
Total developable	5,700	2,420	3,280
(Including woodland)	(4,660)	(1,825)	(2,835)

Source: Blair Associates.

2. Future land needs

The developable land remaining in town area will be approximately 3,300 acres and should be sufficient to accomodate a possible population expansion by 1975 of about 1,000 people as year-round residents, as well as a comparable growth in seasonal homes. The present houses (summer and year-round) in the remaining town area number approximately 1,609 and occupy roughly 1,340 acres, giving an average density of 2 acres per dwelling.

The number of cottages or summer occupied residences is about 50 percent more than the permanently occupied homes. As a rough guide, the number of future houses (summer and year-round) to accommodate 1,000 people (at 3.5 persons per dwelling) and increased cottage dwellers would be about 286 dwellings plus 429 cottages. To estimate broad land requirements for this amount of residential growth an average 2 acres per dwelling and 1 acre per cottage will suffice. So, the number of acres necessary to accommodate the projected 1975 population of Eastham will be in the region of 572 for dwellings, and 429 for cottages, a total of approximately 1,000 acres.

Demands on land for uses other than residential could conceivably add another 500 acres to the above figure within the 15-year period. Close to 100 acres would be affected by a possible future decision to make Route 6 a limited access dual highway to continue the existing section of Route 6 which ends at the Eastham-Orleans boundary. Further areas would go for town purposes, including enlarged and new beaches, wildlife preserves, commercial uses of a tourist nature, motels, camp sites, and ancillary uses.

Normal future land needs for 1975 thus will call for using approximately half of the land remaining in the town outside of the proposed park area which is neither developed at present or unsuited for development.

3. Growth trends

The town can reasonably expect to grow in population and expand its developed area to accomodate this growth. The present character of the town is "seashore rural" and has two distinct areas of residential development, both capable of further expansion. One, to the west of the railroad, is an established area of medium quality year-round homes and rental cabins and cottages on comparatively small lots. This general area has most of its desirable land already committed to use, that is waterfront and waterview, and the remainder of lesser desirability and therefore lesser value is available for development in widely scattered areas of varying size. The other area of a distinctive residential character lies to the east of the railroad and has predominantly good quality homes and cottages on large lots. This area has been developing mainly over the last 10 years, and has many areas of desirable land, waterview and waterfront, still available for first-class residential development. The zoning, in force since 1952, maintains the respective qualities of these two areas, and from a residential type balance aspect, recognizes areas foor both high quality and medium quality development. This balance is being further reinforced in practice and the recent direction of growth in Eastham has been for more expensive large lot development along the west and north shores of Salt Pond Bay and Nauset Bay, and the Nauset Road-Little Creek Road area. Lesser quality smaller lot development is on scattered locations along the entire length of the town to the east of Route 6. This pattern of residential growth will be

maintained in the foreseeable future and ensures a balanced housing stock availability. The tourist attractiveness of the town can be further enhanced by improved and new public beaches. The arrival of the motel industry with 83 units in the last 2 years in Eastham is an indication of what improved roads and improved beaches can do to attract a commercially valuable automobile tourist element to the town.

This increasing pressure of motel development and ancillary developments requires more detailed regulation than exists under the present zoning bylaw in order to prevent Route 6 from becoming a cluttered over-commercialized corridor with a serious blighting effect on the presently charming character along most of Route 6 in Eastham. Without more effective zoning controls along the present Route 6, the utility of that road will be decreased and traffic congestion and hazards increased so that it will ultimately become necessary to replace the present State highway with a new limited access road. This might require taking of several hundred additional acres for entirely new highway right-of-way.

4. Impact of the proposed park

The park area as proposed will change the physical character of the town. By placing approximately 40 percent of the town area in public ownership, any future growth will be forced into the remaining area or out of town.

Much of the area remaining contains housing of a fairly poor structural quality and comparatively small lot area. The land available for development is widely distributed amongst this and would not realistically attract very much more housing of a higher order than existing.

The assumed increased commercial activity generated by park visitors in Eastham may result in a demand for motel accomodations, but, on the other hand, it is usual in national park areas to provide ample camping facilities within the park area. Unless carefully regulated, the Route 6 area may become a commercial hodgepodge of activities catering to park tourists who want diversion after daytime park activities have ceased.

While some commercial benefits may be derived by the town from the existence of the national park, the residential legacy of past development in the remaining area is not conducive to the future development of substantially better quality housing among it. The result might be that Eastham would develop as a residential community of a mediocre quality. The town today as a whole is certainly not that, and any reduction of the proposed park area which recognizes the need for retaining some of the existing good quality housing areas will go toward achieving that balance of housing quality which is essential to the future physical and esthetic character of the town of Eastham.

D. SCHEMATIC PLAN FOR DEVELOPMENT

The next map [1] shows broad proposals of what is involved in the future growth and development of the town of Eastham on the basis of no national park in the town area. It is aimed at what we interpret the town's objective to be, in terms of the kind of community it wants to become in the future. On the basis of discussions with officials and townspeople and personal observations over the past few weeks, we find that Eastham desires a future role in which it will become progressively more stable, with steady improvement in housing quality, continued broadening of economic opportunity for its residents, with more year-round living, and preservation of the rural seashore character of the community. This implies a number of things in regard to physical land development patterns, which are described more fully below.

Residential

The residential areas of town development show the western shoreline as pratcically all build upon an inland area west of Route 6 for further development of a more usual rural character; that is, no seaview or seashore location. This will occur between the areas already built up and will mainly accomodate medium quality homes in keeping with the established policy of having broad areas of medium- and high-quality development in the west and east parts of the town, respectively.

[1] All maps and charts referred to in this document have been filed with the committee.

The present direction of growth of high-quality homes is occurring on the seashore and sea-view land in the Salt Pond Bay and Nauset Bay areas, this being the most desirable residential area remaining in the whole town. Other areas which will be progressively developed for high-quality homes will be the Nauset Road-School House Road area and the Cable Road-Nauset Light area.

The areas mentioned both in the eastern and western parts of the town will be able to accommodate the expected growth of population in Eastham over the next 15 years, and provide a range of choice of homes and locations. The area shown in the northeast corner of the town is not likely to be developed within this time but will be needed as a reserve area for any unprecedented residential growth and for the period beyond 1975.

Recreational

Being a seashore town, Eastham has a special responsibility to its residents and its commercial enterprises to establish and improve recreational and tourist facilities. A number of town beaches exist at present, but a program of beach area acquisition and development should be drawn up so that maximum benefits may be derived from this desirable natural asset.

Eastham is fortunate in its possession of a potentially magnificant seashore recreation and wildlife area in the Salt Pond Bay-Nauset Beach area. This whole area could be developed for safe boating, wildlife observation, and beach activities in a manner designed to emphasize its natural amenity, and could be safeguarded by special zoning. Other areas of undevelopable marshy land might be zoned as wildlife preserves and local associations formed to supervise them and make provision for public accessibility for wildlife study and enjoyment.

Commercial

Route 6 in Eastham acts as a spinal road through the town, giving convenient access to both eastern and western areas of the town. This convenience usually attracts a mass of commercial development and if not carefully controlled could result in traffic hazards, ugly development, and general destruction of any rural character that may exist. Fortunately, in Eastham, this situation has not come about as yet, but the existing zoning shows a so-called "permissive use" district 500 feet on either side of Route 6 for its entire length in the town. This district allows hotels, motels, restaurants, gift shops, and service stations, and could result in an unsightly commercial strip development of the most undesirable nature.

It is proposed in the schematic plan that the permissive-use district be abandoned and normal commercial uses be allowed in only one of the two existing commercial areas and encouraged to build up around the general vicinity of the town hall. This will give the town a focus or center and could be related to a beach area on Salt Pond Bay. Further master planning studies may show the need for another commercial district in North Eastham. However, this one area will accomodate all the normal commercial uses which will be necessary for the present and future population of Eastham, plus tourist facilities of the gift-, craft-, and souvenir-shop type. The concentrated nature of this area can be related to the length of the town, which is only 5½ miles long. A 2- or 3-mile auto ride is of no real consequence in relation to the benefits to be derived from eliminating the strip development. Special commercial uses such as garages should be limited in number and location, and requirements for motels—regulating their access to and fronting on Route 6—should be studied. Motels and hotels might be allowed to locate anywhere in the town, but performance standards based on their general character and relationship to surrounding property could be formulated and applied to each proposal.

Industry

No allowance for industrial areas has been considered, since the seashore rural character of the town is of prime importance to the inhabitants. However, inquiries might be considered on their merits, although no promotion should be undertaken by the town.

The town of Eastham is in a present state of development where it is possible, with a proper planning approach, to provide for future development in a manner which can result in a living environment suitable for both residents and tourists to enjoy to the full.

The potential for residential growth and natural resource development, together with the, as yet, uncommercialized character of the town, should be strong

incentives to the citizens of Eastham to act now to take this opportunity, which has already been lost by other towns on Cape Cod, to plan ahead.

E. PROPOSED BOUNDARY REVISIONS

The foregoing discussion about future development of the town, and the accompanying map, indicate that it would be highly desirable to make certain changes in the boundary of the proposed park to insure a healthy pattern of growth for the town. The accompanying map showing proposed revisions of the park boundary indicates three major changes which would delete approximately 800 acres from the area of the park. The reasons for these three changes are as follows:

(*1*) *Westerly shore of Salt Pond Bay.*—This area was not included in the original recommendation of the National Park Service as shown in their report. There has been considerable interest and pressure for development of this land for high-quality residential properties in the recent past. This is one of the more desirable areas of town for development and one of the few remaining locations with water frontage and water view. To take this land and to prohibit future development would close the door to much high-quality residential development which would be beneficial to the town. Thus, it is recommended that this area be deleted from within the boundary of the park to permit the beneficial development of the town in this location where there are indications of growth pressures.

(*2*) *Nauset Road-Schoolhouse Road segment.*—This area has been recommended for deletion for two reasons: (*a*) It is fairly heavily developed at this time and there are quite a few residences that would be affected by the park, and (*b*) it represents an area for growth of the town because of its good building sites and because of its proximity to the town center. Since it is fairly heavily developed, it seems unlikely that it will be of much use for park purposes and is, therefore, recommended for exclusion from the park.

(*3*) *North Eastham.*—This portion of land is virtually undeveloped at the moment and lies more than a mile inland from the seashore. It is considered to be needed for future residential growth beyond 1975 and is delineated as a "reserve" area on the previous map. This land should be eliminated to allow for future expansion of Eastham.

II. Changes in Character and Effect on the Economic Base of the Town

A. BASIC ECONOMIC STRUCTURE

Off season, Cape Cod has a resident population somewhat over 50,000 persons. (In the 1955 State census, Barnstable County had 52,728 people.) During the summer season, it is estimated by the Cape Cod Chamber of Commerce that about 5 times that number, or 250,000 persons, are on the cape at any one time. This tremendous increase indicates that the tourist business and summer visitor are the largest single factors affecting the economy of the cape. A study prepared by the Massachusetts Department of Commerce in May 1955, points up quite well the change that has taken place in the cape's economic structure over the years as well as the change that takes place from summer to winter. In a series of charts, for instance, that report points out that 100 years ago, Barnstable County had a goods-biased economy, with heavy concentration in the agricultural and forestry-fisheries categories. A relatively small number of persons were engaged in wholesale-retail trade and services. The picture of the present economy is just the reverse. There exists what might be called a service-biased economy with a large concentration of persons active in the wholesale-retail trade and services categories. In addition, the construction category has a fairly large number of persons engaged in such activity.

The employment picture by seasons also shows some extremes. Winter employment in Barnstable County is slightly less than 50 percent of summer employment, according to figures for covered employment provided by the division of employment security. The wholesale-retail trade and services categories contract drastically from summer to winter, but the other categories, while decreasing somewhat, do not vary greatly. Construction, a large employer, suffers very little from season to season.

B. EMPLOYMENT WITHIN THE TOWN

In Eastham, the picture is virtually the same as that for the whole cape, except on a much smaller scale. The key to its economy is obviously its attraction as a summer resort. The following tables present statistics about the economy of the town.

TABLE 4.—*Employment and payrolls, Eastham, Mass., 1958*

Industry group	Number of firms	Annual payroll	Employees	
			July	November
Agriculture and mining				
Manufacturing	1	(1)	2	1
Transportation, commodities, and utilities	1	[2] $1,000	1	
Finance, insurance, and real estate	2	6,000	7	5
Construction	10	69,000	24	20
Wholesale and retail trade	8	28,000	57	7
Services	6	14,000	15	4
Total	28	(1)	106	37

[1] Not reported.
[2] Under.

Source: Massachusetts Division of Employment Security.

TABLE 5.—*Distribution of employees, Eastham, Mass., 1958*

Industry group	Percent in group	
	July	November
Agriculture and mining		
Manufacturing	2.0	2.5
Transportation, commodities, and utilities	1.0	
Finance, insurance, and real estate	6.5	13.5
Construction	22.5	54.0
Wholesale and retail trade	54.0	19.0
Services	14.0	11.0
Total	100.0	100.0

Source: Massachusetts Division of Employment Security.

These figures definitely show a service-biased economy in the summer, as does the rest of the cape, which reflects the great impact of the summer visitor. There are a few noteworthy differences, however. Eastham is somewhat more dependent on the summer visitor than the cape as a whole, as is indicated by the great drop in employment from summer to winter. While regional employment drops to about 50 percent, Eastham's employment drops to 35 percent in the winter. Other differences that are apparent is the dominant place that construction occupies in the winter months. While this activity shows the same characteristic of holding strong from summer to winter, it accounts for more than half of the small total number of employees during the winter months. This is in sharp contrast to Barnstable County as a whole. There the construction industry only accounts for 20 percent of winter employment.

Other points of contrast between the county and the town are in the wholesale-retail trade, service, and manufacturing categories. In these, Eastham is considerably below the averages for the county.

Some of these differences can be attributed to the fact that Eastham lies next to Orleans where one of the larger commercial centers of the cape is located. There is no real commercial center in Eastham, although a nucleus of one exists which may eventually grow in the vicinity of Town Hall.

C. EMPLOYMENT OF RESIDENTS

The following tables give a picture of the occupations of residents of the town. Unfortunately, there are no comparable figures for previous dates or neighboring towns. These are interesting, however, in the light they shed on the character of the town.

TABLE 6.—*Employment of residents, Eastham, Mass., 1959*

Occupation or employment category	Male	Female	Total
Construction and building trades	81	1	82
Manufacturing and building supplies	9		9
Retail business	11	5	16
Government	14	5	19
Schools and education	5	10	15
Utilities	7		7
Professional	5	2	7
Commercial fishing	7		7
Farming and poultry raising	2	1	3
Real estate and insurance	3	1	4
Surveying	4		4
Cottage and cabin rentals	17	3	20
Automotive services	6		6
Other services	1	2	3
Military service	11		11
Unclassified	66	25	91
Total	249	55	304

D. INCOME LEVELS

No census statistics for income levels are available for Eastham as it had too small a population to be satistically recorded in the 1950 census. Figures are available, however, for Barnstable County and these are presented here as it is felt that Eastham exhibits similar characteristics.

TABLE 7.—*Income of families and unrelated individuals, Barnstable County, Mass., 1950*

Income level	Barnstable Connty	State
	Percent	*Percent*
Under $1,500 per year	32.5	24.7
$1,500 to $2,999	32.3	27.1
$3,000 to $4,499	21.2	26.0
$4,500 and over	14.0	22.2
Median income	$2,346	$12,909

Source: Massachusetts Department of Commerce.

It is evident from this table that the level of income on the cape is considerably lower, and there is a greater concentration in the lower categories, when compared to the State. This can be attributed to the seasonal nature of business on the cape and to the large number of retired persons living there.

The advent of the park probably will not tend to raise the income levels to any great degree. There may be more year-round employment due to the arrival of park personnel and some increased construction work, but Government salaries are, for the most part low and there will be too few employees to make any great impact.

E. POSSIBLE IMPACT FROM PARK

To best describe Eastham's economy, one would have to say that, until recently, it has relied on the summer visitor and the retired person. It would not be accurate to call the tourist the key to the economy, as Eastham has never attracted the short-term visitor. Basically, nonresidents come to Eastham to build retirement homes, summer homes, or to rent cottages for extended periods of time. This type of summer visitor has stimulated great activity in the construction industry which is kept busy all year building homes and cottages for

these summer visitors. The numbers of building permits set forth in a previous section are exceptionally large for a town of this population. The continuance of such a level of activity will depend upon the ability of the town to continue to attract this same type of person.

Within the past year or so, some small evidence of change has been indicated which has not yet shown up in the Eastham economic picture as represented by statistical tables. Since the completion of the mid-cape highway to the Orleans-Eastham line last year, there have been several new motels built along Route 6 in the town. This development is readily understood when one considers that Route 6 is now a limited-access highway the entire length from the Cape Cod Canal to the Eastham line. It seems highly probable that more motels will seek locations in Eastham in the future because of this situation. The result is that, even without a seashore national park, the economy of the town will feel the impact of the short-term tourist.

It is a matter of some speculation what the effect of the proposed park will be on the economic base of Eastham. The National Park Service indicates that parks in other areas have generally had a beneficial effect on contiguous areas, but no statistics were readily available to examine. Such information, even if available, may not be applicable to such a highly developed area as the cape.

To make a judgment of the economic effect, the type of visitor to be attracted to the park must be considered. The cape currently atracts a sizable number of people but very few of them are campers. With the establishment of the park and the improvement of recreational facilities along the outer beach, it is probable that a greater number of visitors will be attracted to the cape and particularly to the lower cape. However, it seems probable that a large number of these visitors will be campers, as has been the experience in most national parks. Thus, in the lower cape towns and in Eastham, a somewhat different economic picture may become evident. Campers will require food, and gasoline, basically, with some demand for services and odds-and-ends like camping goods. Other visitors to the park will demand short duration accommodations, restaurant, and service facilities.

No commercial facilities are anticipate within the park itself. If the park's main visitor reception area is to be located in Eastham, as is planned, it is likely that more motels, restaurants, and retail establishments will want to locate in the town. They will seek a location along Route 6 and as close to the main entrance to the park as possible. However, the whole length of Route 6 will probably be sought for enterprises serving the tourist and, unless controlled, a hodgepodge of ugliness could result. The character of the southern cape around Hyannis and Yarmouth might be anticipated.

What will this mean to the retired person, and long-term summer resident who formerly served as a basis for the town's economy? Most of those that are there will probably remain, but some who sought the refreshing solitude and uncluttered natural beauty of Eastham may leave for other parts of the cape, or elsewhere. Also, with the park taking much of the valued water-view, waterfront land, only a limited number of good sites will remain in western Eastham. Some construction of the same type of summer and retirement home will take place, but probably at a decreasing rate. It is probable that the same basis for the economy as exists today will still remain strong, but a tendency toward the normal tourist-based economy as in the southern cape will occur.

Economically, this change of character will probably not hurt the town, although it may not meet with the approval of those who have known Eastham over the past half century. Motels, restaurants, and the like will bring some additional revenue to the town in payrolls and taxes and will require relatively little in the way of town services. The construction industry will continue to be a major segment of the town's economy, still building houses, but also constructing commercial buildings as well as the improvements that the Federal Government will provide in the park. Again, with the exception of construction activity, the park will tend to aggravate the seasonality of the town's economy, and will thus be inconsistent with the basic objectives of the present community, as we see them.

Federal payrolls and development expenditures may eventually have an impact. For example, at the Cape Hatteras National Seashore, the Park Service has spent over $3,700,000 for development since its acquisition.[2] Of this figure, about $1 million was spent for roads and trails, and a similar figure for buildings

[2] All figures for Cape Hatteras National Seashore Park from National Park Service region 5 office, Philadelphia.

and utilities. Projected plans for the next 6 years call for another $6 million to be spent for Cape Hatteras improvement. Such an expenditure in the Cape Cod National Seashore Park can well mean a spurt in construction activity with the accompanying effects to the economy that would result as more money enters local cash registers.

In addition and probably later, the Park Service will bring a number of permanent employees and their families to the lower cape, with a resulting boost to the economy. The number will probably be small; in the Hatteras seashore area, the Park Service currently employs 75, of which 16 are seasonal. This has meant an annual increase in payrolls in that area of approximately $220,000. The following table indicates how the average family in 1955 spent much of its income. If these figures are typical for the cape, and if a similar Federal payroll is expended for the proposed park, then the sums of money indicated below might be pumped into the economy of the cape towns annually.

TABLE 8.—*Personal consumption expenditures*

	Percent distribution [1] (U.S. average 1955)	Estimated expenditures (for $220,000 total)
Food and tobacco	32.1	$70,000
Clothing, accessories, and jewelry	10.1	22,000
Personal care	1.3	3,000
Housing	12.0	26,000
Household operation	13.3	30,000
Medical care and death expenses	4.9	11,000
Personal business	5.0	11,000
Transportation	12.7	28,000
Recreation	5.1	11,000
Private education and research	1.1	3,000
Religious and welfare activities	1.3	3,000
Foreign travel and remittances, net	.9	2,000
Total	100.0	220,000

[1] Source: Statistical Abstract of the United States, 1957, table 367.

These sums will be spread over many towns, and it is probable that Eastham will receive but a small share of this, as it has no real business center. Some other communities may receive a small boost from these new payroll expenditures, but all in all, the total effect from this source alone will hardly be felt.

III. IMPACT OF THE PARK ON THE TAX BASE AND TAX RATE OF THE TOWN IN FUTURE YEARS

A. PAST TRENDS

One of the critical points considered in this study was the impact of land taking on the tax base and thus the tax rate of the town. To determine such an impact, projections of property valuations were made, as well as projections of funds to be raised by taxes. These projections were made to the year 1970, at which time it is probable that all land that is to be acquired for the park will have been acquired. The following table shows the level of the key figures for this discussion from the year 1950 to present:

TABLE 9.—*Valuations, funds raised by taxation, and tax rate, Eastham, Mass., 1950–58*

Year	Total valuations	Funds raised by taxation	Tax rate per $1,000
1950	$2,622,250	$75,177	$28.50
1951	3,095,060	83,922	27.00
1952	3,316,310	100,456	30.40
1953	3,573,190	110,884	31.00
1954	3,831,280	142,376	37.00
1955	4,148,615	156,065	37.50
1956	4,392,695	162,952	37.00
1957	4,766,415	174,716	36.50
1958	5,107,075	189,703	37.00
1959	5,509,000	221,171	40.00

Source: Eastham town reports.

The following table shows the annual increases in total valuations and in funds raised by taxation:

TABLE 10.—*Annual increases in total valuations and funds raised by taxation, Eastham, Mass., 1950–58*

Year	Total valuations	Funds raised by taxation
1950–51	$472,810	$8,745
1951–52	221,250	16,534
1952–53	256,880	10,428
1953–54	258,090	31,492
1954–55	317,335	13,689
1955–56	244,080	6,887
1956–57	373,720	11,764
1958–59	401,925	31,468
Average	320,750	16,222

Source: Blair Associates from Eastham town reports.

These figures show no recognizable trend either upward or downward, so far the purposes of this discussion, the averages were considered for use in projections. To justify the validity of this assumption, each category was examined to determine if there might be some future influence that might radically change the averages.

In consideration of valuations, it was noted that building permit figures were fairly steady from 1950–57, but took a sizable jump in 1958 and 1959. This was due to a slight increase in new dwelling construction, but more that that, it was due to the construction of several new motels within these latter years. A study of the location of new dwellings indicates that a large majority of new dwellings were constructed in the western portion of the town in the area not included in the proposed park. Thus, it is felt that the taking of the park propery will not cut down greatly on the number and value of permits issued and that any decrease will probably be offset by new commercial construction along route 6. It is not expected that the park will cause a great increase in tax valuations, so for the purposes of this study the average annual increment of $320,000 is used for projections of property valuations.

To make a determination of the level of the amount of funds that will have to be raised by taxation, the budgetary expenditures of the town had to be examined to see if there would be a great change in any item that would affect the level of the total budget. It was noted that the major items in the budgets appropriated in 1958 and 1959 were as follows:

TABLE 11.—*Major items in town budget, Eastham, Mass.*

	1958	1959
School	$97,777	$89,745
Regional school district	535	46,961
Welfare services	31,500	27,000
Police department	9,000	10,000
Total appropriation	213,290	248,930

Source: Eastham town reports.

These four items alone accounted for about 70 percent of the 1959 appropriation and therefore, any future changes in these items are certain to have a great effect on the amount to be raised by taxation. Of these items, it is expected that only one may increase out of proportion to the total budget. The tremendous jump from 1958 to 1959 of the regional school district appropriation is the result of the construction and operation of the new Nauset Regional High School in Orleans. It is estimated that an increased appropriation in the neighborhood of $85,000 will be required in the coming year, but future years may see this level off somewhat. It is not expected that the park will reduce town expenditures to any great extent. For the purposes of this investigation it was felt that the average increase in amount to be raised by taxes should

be increased by about 10 percent to be on the safe side in an estimate of future expenditures. Therefore in the projections a figure of $18,000 annual increase is used.

B. FUTURE PROJECTION

Without any consideration of land-taking by the Federal Government, a projection of future valuations, funds to be raised by taxation and tax rate is shown in the following table:

TABLE 12.—*Projections of valuations, funds to be raised by taxation and tax rate, to 1970, Eastham, Mass.*

Year	Valuations	Funds to be raised by taxation	Tax rate (per $1,000)
1960	$5,830,000	$238,000	$41.00
1961	6,150,000	256,000	41.50
1962	6,470,000	274,000	42.50
1963	6,790,000	292,000	43.00
1964	7,110,000	310,000	43.50
1965	7,430,000	328,000	44.00
1966	7,750,000	346,000	44.50
1967	8,070,000	364,000	45.00
1968	8,390,000	382,000	45.50
1969	8,710,000	400,000	46.00
1970	9,030,000	418,000	46.50

Source: Blair Associates.

The above discussion projects the tax rate to the future without deleting the amount of valuation on land to be taken by the park. This was necessary in order to compare the impact of the park to what would be the situation if there were no park. The following discussion will take into consideration the range of possibilities that could occur if the park bill is enacted:

(*a*) All property, both improved and unimproved would be acquired within a year. (This is the most extreme situation and would have the greatest impact on the tax base.)

(*b*) Only unimproved property would be acquired and this would be done within a year. (This assumes that adequate zoning would be enacted to prevent condemnation of improved property.)

(*c*) Only unimproved property would be acquired and this would be done over a period of 10 years. (This represents the most conservative of the possibilities which we envision.)

(*d*) All unimproved property and about $200,000 in present tax value of improved property would be acquired over a 2-year period. (This is probably the most realistic of the possibilities.)

It is estimated that of the total town assessment, $713,450 is the 1959 value of improved and unimproved property within the park. It is also estimated that the $713,450 figure represents approximately $550,000 in improvements with the remainder (a little over $163,000) in unimproved property. The impact over the coming years, for the four possibilities would be as follows:

Possibility (a)

In 1960 condemnation would take place and the valuation would be decreased by approximately $700,000 resulting in a taxable valuation of $5,130,000. However, payments will be made in lieu of taxes in 1961 and 1962 so that 1963 will be the year that this impact is first felt. The town's property valuation for that year is estimated at $6,790,000 which will be reduced to $6,090,000 by the park acquisition. Funds to be raised by taxes that year may amount to $292,000. To raise this money, the tax rate will have to be $48 per thousand as compared to a projection without the park of $43 per thousand for that year. The following years would show similar increases. Thus there will be a significant impact on the tax rate if this possibility occurs. However, it is highly probable that this, the most extreme case, will not take place.

Possibility (b)

Only unimproved property, amounting to $163,000 would be acquired in 1960 and the valuation would be decreased accordingly. The full effect of this would not be felt until 1963 again because of Federal payments in lieu of taxes. Thus,

in 1963, the valuation would be reduced from $6,790,000 to $6,627,000. Funds to be raised by taxes that year may amount to $292,000. To raise this money the tax rate will have to be $44 per thousand as compared to a projection of $43 per thousand for that year. The result in this case would be small, amounting to only $1 on the tax rate which would carry through to subsequent years.

Possibility (*c*)

In this case one-tenth of the unimproved property would be acquired each year from 1960 to 1969. This would mean an average annual reduction of assessments of about $16,000. The first effect will show up in 1963 and would reduce valuations to $6,774,000. This would mean about a 10-cent increase that year in the tax rate. However, that differential will be increased regularly over the subsequent 10 years until it reaches a maximum increase of $1 on the tax rate in 1973 over what it would have been if there was no acquisition for the park.

Possibility (*d*)

This is similar to possibility (*c*) but assumes a higher level of value for annual acquisitions and subsequent loss of tax revenues. The total over a 10-year period would amount to a reduction in assessments of close to $400,000, or about $40,000 on an annual basis. This would represent about a 25-cent increase in the tax rate in 1963 and rise to about $2.50 more in 1973 than the rate would otherwise be without the park.

As was stated, the final example is in the most probable range to occur. If this is the case, one can only conclude that the impact on the tax base and the tax rate of the town will be relatively minor. If the park should induce as much as $40,000 in additional construction (in terms of assessed value) annually over and above what can normally be expected, there would be no tax revenue loss. This is not an impossibility, but cannot be reliably predicted.

IV. Implications of Special Provisions of the Bill on Residents and Property Owners Within the Park Boundaries and on the Town

The Kennedy-Saltonstall-Keith bill (S. 2636) includes several provisions aimed at recognizing the fact that Cape Cod is more heavily settled and more land is developed than in other national park acquisitions in the country. In order to protect the legitimate interests of the citizens and town governments directly affected by the proposed park these unusual provisions were written into the bill. The sponsors of the bill admit that this type of legislation is entering some uncharted areas of park legislation and that a thorough airing of these special provisions should take place. It is the purpose of this section of the report to review the most pertinent of these special provisions to determine how they would affect private individuals and the town of Eastham, if the bill becomes law.

The portions of the bill which are unusual and which will have considerable impact are in sections 4, 5, 6, 8, and 10. Pertinent comments about each of these sections are set forth in the following paragraphs.

Section 4, in brief, assures homeowners within the park area the right to continue to use and occupy their homes for 25 years or for their lifetimes, whichever they choose. It further provides that if the town adopts zoning applicable to all of the uses in such town which are included in the park and such zoning meets standards which will be defined by the Secretary of the Interior, all homeowners in such town whose property is in the park are assured the right to continue to own and occupy their homes without interruption or interference so long as the zoning is in force. Specifically, the power of condemnation of improved property is suspended on the condition such zoning is in force.

Section 5, in brief, sets aside in each of the lower cape towns, an amount of acreage equal to as much as 10 percent of the total area of privately owned property in that town which is in the park, for new homebuilding development on condition that such acreage is subjected to acceptable zoning and that such development would not hurt the park.

Section 6, in brief, requires the Secretary of the Interior to issue regulations as soon as possible after the enactment of the bill setting forth the standards which must be met by town zoning bylaws which would suspend his power of condemnation over properties within the park. It also gives the Secretary further rights regarding the workings of these zoning bylaws.

Section 8, provides for payments in lieu of taxes for a period of approximately 2 years on property acquired by the Federal Government.

Section 10, sets up an advisory commission to guide the development and operation of the park.

Before setting forth our opinions regarding some of these provisions, it is well to set down some of the key questions relating directly to them that appear to be causing widespread concern in the town of Eastham:

1. Can owners of cottages continue rentals? What is the definition of "commercial enterprise" (which is not allowed in the park) in this respect?
2. Will the relationship between mortgage and equity in a home diminish the term of residence, or will it make it unfeasible for homeowners to even make the choice of occupying their homes if the park acquires them?
3. Is the September 1, 1959, cutoff date legal for improvement of property?
4. In towns where adequate zoning is not enacted, will the bill cloud the title and prevent an owner from selling his property between the time of enactment of the bill and the time that acquisition by the Secretary of the Interior takes place, assuming that acquisition will proceed slowly ever a period of time?
5. Will an owner who chooses to remain within the park lose control over his property because of the proximity of public land and the probability that visitors to the park will be using the neighboring land and perhaps trespass?
6. Will the homeowner who has reached an agreement with the Secretary of the Interior to remain on his improved property allow the property to depreciate because any investment or improvement to the property cannot be returned to him?
7. Will the town still be responsible for schooling, paving roads, fire and police protection and other services for property owned by the Federal Government but with the right of occupancy retained by the former owner?
8. Will residents of homes acquired by the Government with the rights of occupancy held by the former owners be disenfranchised?
9. Will it be possible for the Secretary of the Interior and the towns to agree on the location of the 10 percent of unimproved area within the park to be set aside for future development when the most desirable areas for development either have water view or waterfront and such areas are also most desirable for park purposes?
10. Will the provision of 10 percent allowable for development in the park meet future requirements for growth of the town of Eastham?

These and many other questions have been asked by townspeople as the concern and interest in the park proposal has heightened. We have studied the bill and investigated certain matters with members of the National Park Service staff and feel the provisions of the bill to be considerably liberal in protecting the rights of the individual and in lessening the impact of the proposed park on property owners and the town.

Upon investigation we find that many of the fears are unfounded. For example, persons electing to occupy homes acquired by the Federal Government will not be disenfranchised (question 8), but will have the same rights as any other homeowner, renter, or avowed resident of the town to vote as set forth in Massachusetts law.

In answer to another question (No. 7), it is probable that the town will still be responsible for schooling of children residing on such property, but many of the other services will be taken over by the Park Service just as they are in other national parks. Actualy, these seems to be no precedent to determine who pays for the cost of education, but since the bill implies that occupants of property acquired by the Government assuming the rights of tenure must still pay property taxes, then it seems reasonable that the town should assume the responsibility and costs of education.

(Sec. 4a) The 25-year or lifetime-tenure clause

Perhaps one of the more troublesome and unworkable provisions of the bill, in our opinion, is that which calls for the option of life or 25-year tenure on improved property acquired by the Secretary of the Interior. Because of the provision for suspension of condemnation if adequate zoning is passed, it is felt that there will be very little occasion to use this provision of the bill. If this is the case, and it is strongly recommended that zoning be passed within the 1-year grace period to be allowed, then many of the questions posed became academic. For instance, questions 2, 6, and 8 above diminish greatly in importance if the Secretary of the Interior is prevented from condemning land because of zoning.

However, because it is in the bill, this provision was examined and the conclusion reached that it would be of relatively little value to property owners and the town. To support this contention are the following reasons:

1. It is felt that, while right is given to convey or lease the right of occupancy until it expires, this will not be readily performed and may prevent a person from disposing of this right due to (*a*) the legal questions involved in such a transfer; (*b*) the unfamiliarity with such procedures which would foster reticence on the part of a prospective buyer of the right; and (*c*) the loss of attractiveness of the right as the term nears its end.

2. The property will tend to deteriorate because it is human nature (in answer to question 6) not to spend a considerable amount of money on someone else's property. Of course, minor repairs would be made for conveniences, and also there will be persons with pride who will not let their place of habitation become rundown. In general, however, it is felt that such a situation would tend to allow homes to deteriorate which situation would be deleterious to the community.

3. Estimates of the mortgage-equity relationships indicate that in many cases such an arrangement will not be attractive to the homeowner involved (in answer to question 2).

An explanation of the procedure for computing the value of life tenancy acquisitions was received from the National Park Service and is reprinted in its entirety in the appendix to this report. The explanation includes an illustrative example for a $20,000 property in which the cash settlement would be $11,543.60, representing the fair market value less the value of an assured life tenancy.

Problems arise when one considers the mortgage obligations that may be due on a property. For example, if a person owes a $12,000 mortgage on his $20,000 house, and receives only $11,543.60 from the Federal Government, then he must satisfy that mortgage with the sum received plus about $500 from his own pocket. The cash award only becomes meaningful if the mortgage is low enough to leave a sizable residue for the property owner. It is our contention that most homeowners will not be able to afford to take money out of pocket, nor will they feel that there is sufficient inducement to do this, if they can afford it. It is also felt that this arrangement will be unattractive to those with lower mortgages with the result that they will choose to move out of the park area and allow the Park Service to take over their property without any claims. Despite these problems, we see no harm in including this provision in the bill to accommodate the small number of persons who may choose to enter into such agreements.

We further feel, regarding this provision, that the rights to convey or lease the right of occupancy, in the case where the former owner chooses a fixed number of years, is adequately spelled out in the bill, but because of questions arising from local residents it may be well to clarify the rights of conveyance by will to an heir. No specific mention is made of this and it is good practice to be as specific as possible about such rights to avoid misunderstanding or future litigation.

(Sec. 4d) the September 1, 1959, date for consideration of improved property

It is apparent that this provision in the bill is causing hardship on some property owners within the proposed park. Obviously, it was the intent of those drafting the bill to forestall further improvement of land within the proposed park so that the costs of acquisition would not grow. The intent is perhaps justifiable; however, a person's legal rights to his property cannot be partially denied merely by a bill which is just proposed and as yet has no status as law. Experience, since the bill was introduced, has shown there to be considerable confusion among owners of property with probable loss of value as well as the freezing of property transfers taking place at this time.

Such a situation should not have been allowed to come about, particularly since development of land within the proposed boundaries was taking place only slowly. Unfortunate as this may be, the damage has already been done. However, in directing our attention to the forthcoming legislation, we suggest that no cutoff prior to the date of passage can properly be included in the measure. While this may not satisfy the intentions of the Park Service to preserve the unimproved character of the land, we feel it is extremely important to protect property rights of individuals and prevent personal hardship, as well as to avoid possible litigation in the future.

Acquisition of all property within the proposed boundaries will not take place immediately but will probably proceed slowly over an extended period of years. Included in the bill is the authorization to appropriate funds up to $15 million. However, Congress does not have to appropriate the entire amount at one time. Indeed, it has been the practice of Congress to appropriate only portions of a total amount over a period of years. Thus, one can easily conceive of the situation where some unimproved land may remain in the hands of private persons for a period of 10 years or more, during which time their rights to develop the property would be, in effect, considerably lessened. Unless the Park Service is prepared to act quickly, to acquire all unimproved property within the proposed boundaries, it should be forced to take its chances on development of land. Congress should consider appropriating more funds so that the Park Service can accomplish its acquisition goals rapidly, which situation would certainly be welcomed by private property owners and the town government alike.

(Sec. 4d) the definition of improved property

There are two minor points worthy of comment on this portion of the bill. First is the definition of "improved property" which, as stated means only a private noncommercial dwelling. There is some question as to whether a cottage rented seasonally, or whether a property in which rooms are rented in the summer falls under this definition of whether those will be defined as being commercial. This should be clearly spelled out in the bill, and it is recommended that all such improvements be defined as residential.

Secondly, the arbitrary power given to the Secretary of the Interior to exclude from the designation of improved property "any beach or waters together with so much of the land adjoining such beach or waters as the Secretary may deem necessary for public access thereto" poses problems for residents who will be allowed to remain in the park under the protection of zoning. These residents should be guaranteed that they can retain some portion of their access to water which they had the right to previously. The statements in paragraphs 9(b)(2) of the bill are not sufficient to guarantee these rights.

(Sec. 4b) the suspension of condemnation power if adequate zoning is enacted

It is difficult to make a judgment on this section of the bill as it is not known what the zoning standards will be that will be set forth by the Secretary of the Interior. It would have been much more desirable to have such standards on hand to guide the towns in their judgment of this phase of the bill.

However, be that as it may, it is assumed that the standards will be reasonable and not place an impossible hardship on the property owners and the town. If this is so, we judge this section to be eminently satisfactory to the property owners and the town and, indeed, the most important feature of the bill with regard to lessening the impact of the park on property owners and town government. The town is advised to proceed rapidly to adopt such regulations if the bill is enacted.

There are certain rights given to the Secretary of the Interior attached to this provision regarding zoning in section 6 of the bill. These were examined and found to be reasonable. If the rights of the Secretary of the Interior are set aside when adequate zoning is enacted for the park area, then he certainly should have a measure of control to see that the regulations are not diluted or distorted to allow disruptive elements to enter the park.

Thus, the provisions in section 6 of the bill seem satisfactory on their face, but it is strongly urged that the zoning standards be set forth with great dispatch following enactment of the bill, and further, that the townspeople either through their planning boards, elected representatives, or the proposed advisory commission have an opportunity to be heard on the zoning standards. It is recommended that the bill be amended so as to include a requirement that such standards be reviewed locally before being issued by the Secretary of the Interior.

As we stated, we feel the zoning provisions to be quite fair to the towns and property owners and we support them.

(Sec. 5) 10 percent allowable within the park for future development

This provision, being one of the key ones in the bill, requires some comment. The question naturally arises, that if the Secretary of the Interior is going to allow 10 percent of the park area to be developed, why not decide on such area now and exclude it from the park? It further constitutes an admission that the bill may be taking more land than is needed for the park.

This will be a very troublesome provision to work out in practice. One can only speculate on the problems of deciding on such an area at a town meeting where diverse opinions usually are readily expressed and particularly so when an issue is presented where personal financial interests will be pursued. If such an area can be settled after the wrangling of a town meeting then, it is not certain that such an area will be acceptable to the Secretary of the Interior. Indeed, the most desirable areas for development will probably be coincident with the most desirable areas for park use. Perhaps such a prospect is too pessimistic, but it seems evident that there may be a more satisfactory way of handling provisions for the growth of the town.

The most practical approach would be to determine which areas are necessary for future growth of the town and to delete these from the proposed diagram of the park. The effect would virtually be the same, only it would be accomplished without unnecessary administrative detail. If this were to be done, this entire provision can be omitted entirely from the bill.

Based on the brief study presented in this report, it is strongly recommended that such action as described above be taken. Perhaps the drafters of this piece of legislation would have done so in this bill if some idea of potential growth areas were previously determined. It is felt that this study has provided sufficient evidence for the town of Eastham to determine what areas should be considered for future growth and where the boundary line should be altered to accommodate such growth. This recommendation is shown earlier in this report and is presented for consideration by the town and Congress. Such omissions from the park, according to our estimates, would amount to approximately 800 acres, which is more than 10 percent or 345 acres that could have been allowed under the terms of the present bill. It is felt that such a change in boundaries and subsequent deletion of this section is thus eminently fair and will be beneficial to all concerned.

Other sections of the bill

Two other sections of the bill merit some comment, as they have some bearing on the impact of the park on the town.

(*Sec. 8*) *Payment in lieu of taxes*

For Eastham, our studies have shown that there will not be a greatly significant impact on the tax base caused by the acquisition of land in the park. Any impact will be largely diminished if the special zoning is put into effect to suspend the power of condemnation as such a move will retain for tax purposes improved land which represents, by far, a larger valuation than unimproved land in the park. Impact of reduction of taxable property will further be diminished by (1) the possible increase in taxable property outside the park due to the presence of the park; and (2) the stretchout in time of acquisition of properties. In view of this, it is felt that the payments, by the Federal Government, in lieu of taxes for 2 full years after acquisition of property is a reasonable arrangement for Eastham. This provision may, however, be more troublesome for other lower cape towns.

(*Sec. 10*) *Advisory Commission*

Such a Commission can do no harm, although it is difficult to determine from the wording of the bill whether it really will have a significant part to play. The bill actually gives it few powers and its function seems only to be advisory. The true value of such a Commission will be determined by the type of person appointed to it and the working relationships that develop between the Secretary of the Interior and the Commission. At this point, its effect cannot be judged, but it is supported here as it is felt it will, at a minimum, serve as a sounding board for local opinion.

V. Summary and Recommendations

This study has not attempted to judge whether a Cape Cod National Seashore Park should be developed; rather, it has focused on development trends in Eastham and how these would be affected if the park should come, in order to provide the basis for decisions by local officials and citizens.

The most important findings are briefly stated as follows:

From part I it was found that three areas should be excluded from the proposed park boundary in order to allow sound community development in the coming years. These areas are shown on a previous map and are designated as:

(1) The westerly shore of Salt Pond Bay;

(2) The segment of the town lying between Nauset Road and Schoolhouse Road; and

(3) A portion of land in North Eastham.

Reasons for deleting these areas are set forth in this report in the section entitled "Proposed Boundary Revisions." The land area included in these three segments is approximately 800 acres.

From part II it was found that without the national park, Eastham appears to have the possibility of meeting its objective of becoming a more stable, better quality rural seashore community, catering to the summer resident and retired person rather than the overnight tourist or camper. It is anticipated that the establishment of the park will not further this objective, but will, instead, aggravate the seasonal nature of employment and may discourage retired people and summer-long residents from locating in Eastham.

Another result of the park will be the creation of a corridor of commercial development along Route 6 unless it is adequately controlled through zoning.

The town's most stable economic activity is construction and some increase in the level of this is to be expected both during and after development of the proposed park.

Very little benefit can be expected in Eastham from the expenditures of Park Service personnel.

From part III it was found that on the basis of continuation of postwar trends, both the town budget and its tax base can be expected to rise steadily in the years ahead, with the likelihood of a modest increase in the tax rate over the years. If property is acquired rapidly and extensively under provisions of the proposed bill, a tax rate increase of $5 per thousand is conceivable in 1963. Much more likely, however, would be a tax rate increase at that time of about a quarter of a dollar per thousand, rising to something over $2.50 per thousand about 10 years later. To offset the likely loss of tax base due to the proposed national park, Eastham would need over $40,000 in assessed value of new construction annually induced by the park over and above the normally projected increase in tax base.

In part IV, which was concerned with the provisions of the bill, the following conclusions were set forth:

(1) The provision in the bill for life tenure or retention of occupancy rights for a 25-year period does not appear attractive for a typical owner.

(2) The definition of "improved property" in the bill should be modified to eliminate the September 1, 1959, cutoff date and to include accommodations for summer residents.

(3) For Eastham, it is recommended that the area to be allowed for future development under the so-called 10 percent clause be determined now along the lines recommended in this report and excluded from the boundaries of the park. If this is done, there is no need, in Eastham, to include the 10 percent provision in the bill.

(4) Early submission of the proposed standards for local zoning regulations is essential and these should be the subject of local hearings before adoption by the Secretary of the Interior.

It is suggested that all sections of the report be studied in detail to understand the background for the above conclusions and recommendations. Section IV, in particular, dealing with the bill's provisions should be carefully reviewed by the Senate committee and the townspeople.

VI. Appendix

Explanation of Computation of Value of Life Tenancy Acquisitions in Areas of the National Park System

The acquisition of property for the National Park System subject to a life tenancy is intended to benefit both the seller and the Government. First of all, it is entirely optional with the owner whether he will sell his property subject to such a retained right. If an owner does not wish to retain such a right of occupancy and use for the remainder of his, her, or their natural lifetime, this Service would then pay the fair market value of the property to such an owner. There may be some properties so located that the National Park Service will require such land exclusively for public use and a life tenancy may not be approved. However, whenever possible, we will be agreeable to life tenancies.

Where owners of record wish to retain rights of use and occupancy of their property for the remainder of their natural lives and so indicate their desires during negotiations with the National Park Service acquisition personnel, the fair market value of the property is first determined. The value of the retained life interest is then computed, as covered below, and deducted from the full market value of the property. The owner is paid the difference and he may use and occupy the property for the remainder of his natural life without making reimbursement to the Government because the retained right has already been evaluated and deducted from the full purchase price.

For example, if a $20,000 residential property were sold to the Government, subject to a life tenancy valued at $5,000, the owner would be paid $15,000 at the time of purchase and the transfer of title to the Government, subject to enjoyment of the life tenancy or interest by the life tenant thereafter. Such an arrangement enables persons to effect an immediate sale of their property, but they may continue to use and occupy it. At the same time, such an arrangement reduces the overall compensation the Government must pay for the property, but the Government use of the property is necessarily deferred for an unascertained period. However, the Government will ultimately obtain the property free of such rights when the owners pass on.

The computation of the value of a life estate or life lease is based upon the "expectation of life" of the record owners computed from life insurance tables of mortality. It necessarily will be dependent upon the age and number of the sellers involved. Likewise, the present-day value of the property and a reasonable rental return for the property are involved. Qualified appraisers, such as would be used by the National Park Service, frequently are called upon to compute such life estate or life-lease values. The method used, as illustrated below, will give a prospective seller an idea as to the formula followed.

Assume that a male seller, 45 years of age, owns a piece of property worth $20,000. His life expectancy would be 25 years. Where more than one owner is involved an adjustment is made in actuarial tables to reflect a proper period considering their ages. Assume further that a net yearly rent of $600 is determined to be fair for the property of the seller. (NOTE.—Net rent is that amount remaining after maintenance, repairs, taxes, depreciation, and insurance have been paid.) A discount is then applied against future rentals to reduce them to present-day worth. A commonly used table is called the Inwood (compound interest) premise. Reference to this table reflects that the present-day worth of 25 years' occupancy for this owner, discounted at 5 percent for the sake of illustration, equals $8,456.40 as the life interest value. The owner would be paid $11,543.50 cash for this property and could occupy and use it for the remainder of his life regardless of the number of years he might live.

Senator Moss. We have one more witness from the town of Eastham. I think we will have that witness at this time. He is Prescott B. Cummings, chairman of the Eastham Planning Board. There will be one short statement after Mr. Cummings by Mr. Childs, who will have to leave early. We will then recess for lunch.

This is Mr. Cummings now, chairman of the Eastham Planning Board.

STATEMENT OF PRESCOTT B. CUMMINGS, CHAIRMAN, EASTHAM PLANNING BOARD, EASTHAM, MASS.

Mr. CUMMINGS. Senator Moss, Senator Saltonstall, and Congressman Keith, the Eastham Planning Board has applied for specific figures and forecasts on the Blair Associates report. However, we would like to use the brief that we have prepared.

The Eastham Planning Board wishes to go on record as being unanimously opposed to the Saltonstall-Kennedy-Keith bill, S. 2636, or any other bill which proposes a national park within the boundaries of the town.

We feel that any uncertain benefits that may be derived from this bill are more than overbalanced by the fact that economic and socio-

logical changes are bound to follow enactment of this legislation, which will, for all practical purposes, destroy the identity of the town.

To begin with, economically we do not need the park in any form. From figures readily available, it is plain to see that our growth during the last 10 years has been steady and healthy. Each year sees more and better homes being built in all sections of the town. As the newer subdivisions become developed, the results of our zoning and subdivision regulations become more evident. These are all reflected in our modest assessed valuations and tax rate. In short, the town of Eastham is at present a very sound and healthy business. The people running this business live here, work here, and each have, by virtue of being residents, a certain amount of stock in the corporation. We feel that we can manage this business better by far than a group of individuals in Washington or Philadelphia who hardly know the names of the towns involved.

We feel that our present family-vacation prototype, who stays from 2 weeks to a month and is attracted by uncrowded beaches, shopping, and recreational facilities, would be discouraged by the crowding of all these, which a park would cause. Many of these people buy land and build homes, providing us with work through the winter. We cannot afford to lose them. These people all have a genuine interest in, and affection for, the town, and many look forward to the day when they can retire here.

The sort of facility which we would have to provide for the overnight visitor—motels, restaurants, Dairy Queens, gas stations, and the like—would destroy the character and spirit of this town and area as certainly as a tidal wave.

The town of Eastham has had zoning regulations and a building code for 8 years, a zoning bylaw committee for 3 years, and a conservation commission for 2 years. All of these committees are active. The area within the bill is all in residential A zone. (See attached zoning bylaws.) The town of Eastham has 17 free public town landings, of which 11 are on salt water beaches, and also holds in excess of 30 acres for future public beaches as needed.

As to conservation and availability of beaches, we feel that the town already has a fine start in that direction. The town has between 30 and 40 acres on the ocean side of the town and if left to its own devices could acquire most of the beach from Nauset Inlet to Nauset Light, assuring ample public beach for all time. On the bay side there are 7 free public beaches, the largest having an area of 30 acres, with a frontage on the bay of about 1,500 feet.

With the conservation commission, which is working on "open space" zoning, much can be done to preserve marshland and areas of cover for wildlife without actual acquisition by any form of government.

Given the opportunity, we can reserve enough of our town by ourselves to retain its original characteristics and at the same time provide all who come here free access to the shores and marshlands. This at present is a reality and with little effort it can be secured by the town forever. If necessary, covenants could be drawn with the Federal Government securing these rights for all the citizens of this country. We would like nothing better than to share our irreplaceable natural assets with everyone. We would like to do this, however,

more or less on our own terms as long as these are our fields and our woods and our ponds and our beaches that are at stake. This, to our way of thinking, is a more democratic method of handling the situation. For the Federal Government to descend on us with threats of confiscation and taking by eminent domain to preserve for others what has been ours for 300 years, by every right that we enjoy as citizens of this country, is undemocratic, to say the least.

We feel, that with cooperation, rather than coercion by the Government, the town could set aside enough land and beach through various types of zoning to insure free access to the so-called great beach and marshes for everyone, for all time. As mentioned before, covenants could be entered into between the town and the Government to forestall any possible encroachments upon these rights. This would secure the main objective in the bill without disrupting families whose homes are established or taking from us the land which we need for future development. At the same time it would allow the character of this town and this area to remain the same for the thousands of people who like it as it is.

We would like to point out that the flora in this area would be of no national interest as it consists mostly of scrub pines and scrub oak. The area behind the dunes is flat, with no ponds, and is of no more interest geologically than any other glacial sand and silt deposit. The fauna (mostly deer and rabbits) would soon disappear under the 60 million expected visitors. There are no sites of national historical interest within the proposed park area.

In summation, it is our opinion that a national park might preserve the land within its actual boundaries but would make a mediocrity of the remainder of the town, a miscellany dependent upon entirely a 10-week tourist season, and that the town of Eastham, with the committees mentioned above, plus over 300 years of experience in this area, is more able to and will, because of personal interest, do a better job for the public who want to keep Cape Cod as it is.

Senator Moss. Thank you, Mr. Cummings. I certainly respect your point of view and I understand your position. I had one question, though.

Do you have the feeling that if the park is not adopted that in some way the towns will escape this great influx that is coming now from people coming into recreational areas such as this?

Mr. Cummings. We have a different type of influx of people, I believe, than we would get from a national park.

In other words, our town has been growing, and I am sure is going to continue to grow as a summer residence and retirement community. Now, with our conservation committee and with open space zoning we will be able to set aside and protect the marshland and the beaches and some other areas of importance for recreation, not recreation as a national park would have it, advertising and asking for 60 million people.

Senator Moss. Thank you very much. I appreciate your statement.

Senator Moss. We will ask Mr. Childs of the Massachusetts Conservation Council to make his statement at this time, since he must leave early this afternoon and then we will take our noon recess.

Is Mr. Childs here?

Apparently Mr. Childs is not in the room at the present time.

We will recess this hearing now until 1:30.

(Whereupon, at 12:20 p.m. the hearing was recessed until 1:30 p.m. of the same day.)

AFTERNOON SESSION

Senator Moss. Ladies and gentlemen, if you will come to order we will resume the hearing.

I apologize for the delay. We had some misunderstandings on places to eat lunch.

I wanted to point out that we would like to call as many witnesses as possible this afternoon. This hearing will continue tomorrow morning, but tomorrow afternoon, I must leave to travel to Washington and on to another hearing in Texas. So we want to get over as much ground as we can here today. Consequently, we may reach some of the people who are originally scheduled to testify on the 10th.

I wanted to let you know that in advance so that if any of you whose names have been put down for the 10th are agreeable to testify today and we can get that far, you will be called.

I have received a telegram from Congressman Boland, with whom I talked in Boston yesterday. I would like to read this telegram. It is addressed to me here, and says:

SPRINGFIELD, MASS., *December 9, 1959.*

FRANK E. MOSS,
Chairman, U.S. Senate Interior Subcommittee,
Eastham Town Hall, Eastham, Mass.:

Regret, due to long standing previous engagement, my inability to be present for these hearings on Cape Cod National Seashore Park legislation; in which I have a profound interest, as I told you personally in Boston, yesterday.

Mr. Chairman, I am in wholehearted support of any bill for this purpose, whether it be a form of the legislation originally sponsored by Congressman O'Neil and myself, or whether it be the recent bill sponsored by Senators Saltonstall and Kennedy and Congressman Keith and myself. I would like to see this legislation authorized by Congress as soon as possible because Cape Cod's great outer beach and adjoining areas should be preserved in it's magnificence and beauty for the American people to enjoy for years to come.

EDWARD P. BOLAND,
Member of Congress.

Senator Moss. We will now call Mr. Lester A. Giles, who is representing the Massachusetts Conservation Council and then he will be followed by John P. Snow, chairman of the Board of Selectmen for Provincetown. Mr. Giles.

STATEMENT OF LESTER A. GILES, REPRESENTING THE MASSACHUSETTS CONSERVATION COUNCIL

Mr. GILES. Thank you, Senator. Senator Saltonstall, Representative Keith, it is my pleasure to represent the Massachusetts Conservation Council, made up of 19 organizations, statewide organizations within the Commonwealth directly interested in conservation matters.

They are the Appalachian Mountain Club, the Boys' Museum of Science, Garden Club of America, Garden Club Federation of Massachusetts, the Massachusetts Audubon Society, the Massachusetts Farm Bureau Federation, the Massachusetts Forest and Park Association, the Massachusetts Horticultural Society, the Massachusetts Society for the Prevention of Cruelty to Animals, the Massachusetts State

Federation of Women's Clubs, the Massachusetts State Grange, the Nature Conservancy, New England Farm and Garden Association, New England Wild Flower Preservation Society, the Northeastern Bird Banding Association, Soil Conservation Society of America, Trustees of Public Reservations, Wildlife Conservation, Inc., and the Massachusetts Federation of Sportsmen's Clubs.

The council, made up of all 19 of these organizations is very much interested in all conservation matters within the Commonwealth.

It is with pleasure that I report that the council is unanimous in support of S. 2636 and it represents a broad spectrum of the people within the Commonwealth of Massachusetts. I am its secretary-treasurer. I come to the council as a representative of the Massachusetts Society for the Prevention of Cruelty to Animals and each one of these organizations will submit its own separate statement as well as one from our council.

Senator Moss. That may be done and it will be included in the record when submitted.

Mr. Giles. We are particularly pleased, Senator, with the type of bill which this one is, namely, one which is an attempt to take into consideration the peculiar aspects of a seashore located in an area so populated and with such diverse and serious interests and we are sure that with the passage of this bill and the desire on the part of everyone concerned to take into consideration all of these interests it will indeed be one which will be good for not only the people but literally thousands of people to whom this beach will be preserved but the interest of all the local interests as well.

Thank you.

Senator Moss. Thank you, Mr. Giles.

Would you ask that those statements which will be included be submitted within 30 days?

Mr. Giles. Most of them are in the mail right now, sir.

Senator Moss. The statements will appear in an appropriate place in this hearing record when they are received.

Mr. John P. Snow, chairman of the Board of Selectmen of Provincetown is our next witness. Following him will be Dr. George Shattuck.

Mr. Callaghan. Senator, in the interest of saving time, two of our witnesses have just offered their statements for the record.

One is Mr. Jarvis Hunt, who represents the Associated Industries of Massachusetts. The other is the attorney representing Mr. Edward R. Noyes, the owner of Morris Island. The reporter has those and they are available for inclusion.

Senator Moss. They will be included in the record at this point.

(The statements follow:)

Statement of Associated Industries of Massachusetts, Jarvis Hunt, General Counsel

The Associated Industries of Massachusetts, a voluntary association composed of approximately 2,000 manufacturing concerns in Massachusetts and representing a large majority of the industrial payroll of the Commonwealth, wishes to go on record as favoring the enactment of S. 2636, the Keith-Kennedy-Saltonstall bill for the creation of Cape Cod National Seashore Park.

The Associated Industries of Massachusetts, while primarily concerned with matters affecting industry in Massachusetts, is also interested in any proposals to improve the economic, educational, recreational, and social climate of Massa-

chusetts, as well as the State's general welfare. We believe this bill to create a national seashore park on Cape Cod will be of great benefit to the entire Commonwealth of Massachusetts, the New England States and the country as a whole. It will preserve for generations to come the natural beauty and recreational facilities of Cape Cod. It will guarantee that all the people of the Commonwealth, the New England States and the Nation will have an opportunity to enjoy the scenic and recreational aspects of the cape. We feel the bill has been drawn on a reasonable basis, having the aforesaid considerations in mind, and not neglecting the interests of the inhabitants and property owners of the area. We trust your committee will give this proposal favorable consideration.

BRIEF FOR THE EXCLUSION OF MORRIS ISLAND FROM THE NATIONAL PARK ON BEHALF OF EDWARD R. NOYES AND MAUDE H. NOYES, TRUSTEES OF THE MORRIS ISLAND TRUST, BY THEIR ATTORNEYS, MAGUIRE, ROCHE & LEEN

Preliminary Statement

The owners of Morris Island wish to state that they are in favor of a Cape Cod National Park. Their position taken in this brief is that the inclusion of Morris Island does not serve the purposes of the national park. This also applies to Monomoy. It is interesting to note that neither Monomoy nor Morris Island was included in the initial proposal for the park as drawn by the Interior Department. It was only in the Kennedy-Saltonstall-Keith bill that the proposal was made to include Morris Island and Monomoy in the park.

Question Presented

The Kennedy-Saltonstall-Keith bill as presently drafted includes Morris Island in Chatham in the Cape Code National Park. The question presented is whether Morris Island should be excluded from the national park.

I. Chatham, Morris Island, and Monomoy Locale and Characteristics

The town of Chatham is located at the tip of the elbow of Cape Code and is bounded on the three sides by water. To the north and east is Pleasant Bay, and to the south is Nantucket Sound. Its more than 30 miles of coastline is contrasted to the 5-mile town line between it and Harwich to the west. The fact of its isolated location has allowed Chatham to retain much of its 18th and 19th century charm. While today, Route 28, the local road through the towns on the south of the cape, runs through Chatham, the main U.S. highway, known as the Mid Cape Highway, and the country road from Barnstable to Provincetown both give Chatham a wide berth. (See exhibit 1.[1])

The most settled portion of the town is naturally that nearest to the water, and the most thickly settled is the area farthest to the east. This section of the town is known as the Old Village, and it retains many of the characteristics of the Cape Code town of 150 years ago. The two roads through this section lead to Morris Island. Route 28 avoids this section to a great extent so that the roads which are inadequate by modern standards still manage to serve.

It is through this geographic accident and town planning that Chatham has been able to preserve its air of quiet dignity. So many of the Cape Cod towns have become only wide places on modern highways (with side roads to the nearest beach) that Chatham has long considered itself fortunate to be located somewhat out of the traveled way.

Located to the south of Chatham and connected to the town only by a man-made dike is Morris Island. This dike was built for the primary purpose of protecting Stage Harbor to the west (Chatham's only harbor of refuge) from filling up with sand. A secondary purpose of this dike was to connect Morris Island to the mainland so that houses might be built thereon. It is interesting to note that the town of Chatham made two previous efforts to join Morris Island to it in order that the island might be developed residentially. Both efforts, one a dike, and one a bridge, were washed out in subsequent storms as the town was

[1] The exhibits referred to in this brief are on file with the committee.

unable to provide sufficient money to make the structures strong enough to resist the elements. The present dike was built with the combined funds of Chatham, the Commonwealth of Massachusetts and the Federal Government.

Morris Island is divided into one part by the same name owned by Edward R. Noyes, comprising 149 acres of which approximately 56 acres are capable of being developed residentially. The other part known as Stage Island is owned by David M. Davis and comprises 55 acres of which 22 acres are capable of being developed into house lots. It is the intention of the owners to develop the 56 and 22 acres into a desirable residential community, while the rest of the acreage which is marshland the owners desire to leave in its present natural state.

Still farther south from Chatham, beyond Morris Island, is Monomoy owned by the Department of the Interior and operated as a bird sanctuary. Monomoy is a narrow island not more than a half mile wide extending south approximately 10 miles into Nantucket Sound. It can be reached only after a short boat trip from Chatham. Exhibit 2 shows the water that separates Morris Island from Monomoy. The water in this cut is of great importance in the discussion of why Morris Island should be excluded from the national park.

The townspeople of Chatham have been alive to the fact that unchecked commercialism can destroy the cape for themselves and future generations. Thus, in 1957, the town adopted a zoning bylaw designed to check indiscriminate commerical and residential growth. Chatham's zoning bylaw, exhibit 3, is indeed a model of its kind and is specifically designed to maintain Chatham as the lovely, unspoiled town that it is. Business uses have been severely limited, and the entire coastline has been zoned for residence. The minimum lot size in the town has been set at 10,000 square feet, and by far the greatest portion of the shore has a minimum lot size of 20,000 square feet. Such zoning effectively precludes the shanty type of development which has done much to destroy the beauties of the cape towns and seashores.

Prior to the building of the dike, Chatham, on March 4, 1957, zoned Morris Island with minimum lots of 20,000 feet. The Noyes development (which will be discussed in detail later) provides in its restrictions that no lot shall be less than 1 acre. The Davis development provides for lots with a minimum size of 30,000 square feet. (Exhibits 4 and 5.) In short, Chatham has already within its jurisdiction taken adequate steps to preserve its natural beauty. When Morris Island became available for development, the town promptly took action to be certain its development coincided with the town planning. The Noyes development by its own restrictions went the town "more than one better." This development will enhance Chatham's natural beauty. Both Chatham and Mr. Noyes have anticipated the overall purpose of a Cape Cod National Park.

II. OWNERS OF MORRIS ISLAND

Morris Island is owned by Edward R. Noyes, Sr., and his wife, Maude H. Noyes, as they are trustees of the Morris Island Trust.

Mr. Noyes, aged 63, lives in South Natick. He has been employed for 30 years by the United Shoe Machinery Corp. and is currently the manager of one of its operating departments. As a public spirited citizen, Mr. Noyes has been extremely active in the affairs of the town of Natick. A brief synopsis of his activities is as follows:

Town of Natick Finance Committee, 1929–49.
Chairman of Natick Finance Committee, 1935–49.
Served as vice president and president of the Massachusetts Association of Town Finance Committees.
Moderator of the town of Natick, 1951 to date.
Presently trustee of the Natick Five Cents Savings Bank.
Presently trustee of Bacon Free Library.
Presently trustee of Shaw Gymnasium.

Chatham has been and is a second home to Mr. Noyes where he is equally well known and active in local affairs. He has owned his own home there since 1925 where he spends his summers and as much time as possible in the winter. While a student at Dartmouth, he worked summers for fishermen in Chatham to help pay his way through school. After 2 years of service in the U.S. Army in World War I, he returned to graduate from the Amos Tuck School of Administration and Finance while continuing to find summer employment in Chatham.

As heretofore noted, a dike was built in 1957 connecting the town of Chatham with Morris Island. Upon completion of this dike, the town zoned Morris Island for single residential purposes. There was considerable apprehension in Chatham that Morris Island would not be properly developed. The town is justly proud of its zoning laws, and it was very important that Morris Island should be developed in accordance with these zoning laws, all to the end that the character of Chatham remain unchanged.

Aware of and sharing the town's concern about the proper development of Morris Island, Mr. Noyes bought this property on November 21, 1957. Immediately, on November 31, 1957, he hired Gordon Ainsworth Associates, experts in the development field, to draft a plan for the development of the island. Donald Durell was the landscape architect who actually did the work on the project. His proposed plan is discussed in detail in the next section of this brief. Suffice it to say that his plans for Morris Island were selected for exhibition at the Brussel's World Fair by the American Congress on Surveying and Mapping as an outstanding example of subdivision design.

The development plans were submitted to the Chatham Planning Board on August 27, 1958, which promptly gave preliminary approval. Final approval was to be given upon the completion of certain road construction which Mr. Noyes started on October 1, 1958. The road construction work was stopped in March 1959 with the announcement that it was proposed to include Morris Island within the national park.

It is most important to note that up until the time of this announcement neither Mr. Noyes nor anyone else in the local area had any idea that the national park was to include Morris Island. An examination of the Cape Codder, the principal weekly newspaper serving this area (see exhibits 6 and 7), shows that the inclusion of Morris Island came as a complete surprise to everyone.

To best illustrate the completeness of Mr. Noyes' surprise is to relate the story of Mr. Durell's visit with Dr. Conrad Wirth, Director of the Park Service in the Interior Department. Mr. Durell formerly worked for Dr. Wirth. In the summer of 1958, he visited Dr. Wirth in his Washington office and showed him his completed plans for the Morris Island development. Dr. Wirth complimented Durell on his work. It is obvious that at this time Dr. Wirth himself had no knowledge that Morris Island was to be included in the national park, else he would have so informed Durell.

There are two further points to be mentioned in connection with Mr. Noyes' ownership of Morris Island.

The first is that Mr. Noyes and his two sons, Edward Jr., and Charles, have each set aside one of the lots on the proposed development on Morris Island on which they intend to build homes. Mr. Noyes on his retirement in 2 years intends to live in Chatham permanently.

The second point is that while the town of Chatham has adopted admirable zoning requirements for Morris Island and the rest of the town, Mr. Noyes and Mr. Davis will impose even more stringent restrictions on the buyers of any lots in the development. These restrictions are set forth in exhibits 8 (a) and 8(b). Mr. Noyes, Mr. Davis, and the town fathers see eye to eye in preserving Chatham and Morris Island for future generations.

III. MORRIS ISLAND DEVELOPMENT

Mr. Noyes hired Donald Durell of Gordon E. Ainsworth & Associates to prepare plans for the development of Morris Island. The plans as completed are attached in exhibit 4 and are referred to as the Quitnesset Development Plans on Morris Island.

Mr. Noyes' instructions to Durell were to prepare plans for the development of Morris Island that not only would fit in with the character of Chatham, but would in fact enhance these characteristics which make Chatham the town that it is. Mr. Durell proceeded to go to work. His qualifications and experience are as follows:

Degrees: Bachelor of science, master of landscape, architecture.

Experience: 25 years of professional experience including 8 years of teaching landscape design at University of Kansas and University of Massachusetts.

Member: American Society of Landscape Architects.

Chairman: Falmouth Park Commission.

President: Cape Cod Park Commissioners Association.

In approaching the task of subdividing Morris Island, Mr. Durell based the subdivisions on the following policies:

A. Subdivide the land so as to make the most of what God gave us.

B. Make each lot large enough to insure privacy and special freedom.

C. Locate each lot so as to include a first class building site.

D. Locate lots only after thorough study of topography on the grounds.

E. Lay out each lot so that it is outstanding for some special reason, such as: Excellent view, beautiful terrain, excellent trees and forest, proximity to beach and salt water, beauty of ground shape and contour, elevation, orientation.

F. Then lay out the road system so as to service each lot easily and adequately and make the road fit the topography, not vice versa.

This approach required careful and extensive topographic mapping in order to secure an accurate map of existing conditions. The development of design required familiarity with every square foot of the area, with its forest cover, its terrain, its views and with all of the numerous features which controlled layout. The Quitnesset or Morris Island design, therefore, is the result of a great deal of coordinated design and field study, with the drawings evolving only after field layout had been tried, changed, tried again many times, and finally staked and approved on the grounds. This approach is far different from the ordinary approach to subdivision design, where a paper layout is staked out into lots, without considering many of the features which are felt to be of primary importance.

These are plans which Mr. Noyes asked Mr. Durell to develop to completely integrate Morris Island not only with Chatham, but also with the Monomoy wildlife sanctuary. Section 4 of the brief as it relates to Monomoy. and section 5 as it relates to the town of Chatham discuss how completely the Morris Island development blends with Chatham and Monomoy. The plans as developed by Mr. Noyes are the ideal solution of the demands of the town of Chatham with its unique characteristics and the demands of Monomoy, the bird sanctuary.

From a professional point of view, the development plans prepared by Mr. Durell were selected and were exhibited at the Brussel's World Fair in 1958 by the American Congress on Surveying and Mapping as an outstanding example of subdivision design. All credit to Mr. Durell as an extremely competent landscape architect. Even greater credit to Mr. Noyes who saw his position as owner of Morris Island to be not that of a land speculator, but that of a citizen of the town of Chatham who respects its unique values as he does the value of the national wildlife refuge on Monomoy.

IV. PROPOSED DEVELOPMENT OF MORRIS ISLAND AS IT RELATES TO WILDLIFE REFUGE ON MONOMOY

The island of Monomoy became a national wildlife refuge in 1944. The primary purpose of this refuge is toward the development, rehabilitation, and improvement of habitat for waterfowl. Monomoy is located in the direct course of the Atlantic flyway. (See exhibit 9 for a more detailed discussion of the management of Monomoy.)

It should be noted that while recreation in various forms is permitted on Monomoy, such use is subordinated to its primary purpose as a bird refuge.

It is also important to note that Monomoy is accessible to the public only by means of a boat.

The original Park Service proposal did not include Monomoy in the proposed park. The Kennedy-Saltonstall-Keith bill, however, does include Monomoy. The explanation of the bill, however, definitely states that it is the intent of the bill to "preserve the separate identity of the refuge and to have it administered for only such recreational purposes as will not interfere with its principal purpose as a wildlife refuge." (See remarks of Senator Saltonstall in the Congressional Record on this subject.)

Prior to 1954, the Government owned large sections of Morris Island. In September 1954 the U.S. Government Department of the Interior initiated action realining certain areas of Morris Island to be used for a wildlife refuge, taking southeasterly, southerly, and easterly parts and revesting 29 acres in private ownership through legal action taken in the U.S. district court. In short, in 1954 the Wildlife Service retained all of Morris Island needed in order to protect Monomoy as a wildlife refuge.

At present, the Department of the Interior has a right-of-way across Morris Island to the water which separates Morris Island from Monomoy. At the time of the revesting of the title to certain Morris Island land in private owner-

ship, this right-of-way was provided for by Mr. Davis and it appears in Mr. Noyes' deed of purchase. Upon building a paved main road across Morris Island, Mr. Noyes offered it to the town of Chatham as a public road. It will doubtless be accepted if Morris Island is excluded from the national park. It has been and still is Mr. Noyes' intention to offer to give to the Department of the Interior a right-of-way over this newly constructed road.

To sum up, the wildlife refuge already has all of the land of Morris Island that it needs. The situation was carefully examined in 1954 by the Wildlife Service and certain parts of Morris Island, unneeded, were actually turned back to private ownership. The Department now has a right-of-way, and Mr. Noyes has offered to give a better one. The development proposed can in no way interfere with the wildlife management. Most people going to Monomoy will go by boat from Chatham. It is probably only the Wildlife Service personnel who will use the road across Morris Island. It is submitted that Monomoy will in no way be affected by the Morris Island development.

V. PROPOSED DEVELOPMENT OF MORRIS ISLAND AS IT RELATES TO THE TOWN OF CHATHAM

As is pointed out in the explanation of the Kennedy-Saltonstall-Keith bill, the primary purpose of the legislation is to preserve the way of life which has long been established on Cape Cod. It is submitted that the Morris Island development blends in perfectly with the character of Chatham as it exists today. Exhibit 10 is a series of snapshots which show some of the beautiful Chatham residences and also the narrow streets which lead into Morris Island. It is planned that the homes to be built on Morris Island will be equally beautiful.

Besides blending with Chatham, the Morris Island development will have a very beneficial effect on the economic life of the town. The present tax base is $22,085,750 with a 1959 tax rate of $32.90. The assessing policy is 60 to 70 percent of the cost or replacement value. The contemplated selling price in the Noyes and Stage Island development is at least $10,000 per acre. The restrictions on size of buildings assure that no houses will be built costing less than $25,000 above the ground. It should be borne in mind that the development will not be merely a summer colony, but for the most part will be susbtantial year-round homes. On these figures the development when completed will add approximately $1,500,000 to the tax base of the town and an annual income of $49,500 based on the present tax rate. Clearly, this increase in revenue is of great importance to the future of Chatham.

Equally important to the economic life of Chatham is the fact that practically all of the construction work in the development will be performed by local carpenters, plumbers, electricians, masons, and other skilled laborers. The employment that such building will provide in the off season is particularly important in a town such as Chatham. Upon completion, the development will continue to provide employment during the winter months in the maintenance and landscaping which will be required. There can be no doubt but that the Morris Island development will be a great boon to the economic life of Chatham. Thus, the Morris Island development not only blends with Chatham, but by its economic benefits to both the town and its residents, helps insure the preservation of the town as it is today.

VI. REASONS AGAINST INCLUSION OF MORRIS ISLAND IN THE NATIONAL PARK

A. Morris Island would serve no purpose within the national park

There are a number of reasons advanced in the explanation of the legislation for the inclusion of Morris Island in the national park. The reasons advanced will be set forth with a discussion as to why they are invalid.

One reason is that Morris Island includes a rare coast white cedar bog. The writer of this memorandum has closely examined this white cedar swamp, finds it of no interest whatsoever and believes that 99 percent of the general public would agree with him. It is in fact a swamp full of brambles and what appear to the inexperienced eye to be dead trees. Mr. Noyes, however, viewed the matter differently. Knowing that the swamp was of interest to a very small minority, he offered to dedicate this area to the public use for 99 years. This offer was made to the selectmen of Chatham, and it is still Mr. Noyes' intention to so dedicate the swamp. It is most important to note that Mr. Noyes' offer to the selectmen long predated any thought that Morris Island might be included in the national park.

A second reason advanced for including Morris Island in the national park is that it is the means of access to Monomoy. As has been previously discussed, this in fact is not so. For the general public, the only way to get to Monomoy is by boat from Chatham. At low water, the passage can be navigated on foot but only by one thoroughly familiar with the area. The water separating the southern edge of Morris Island from Monomoy is pictured in exhibit 2. Obviously, anyone wanting to visit Monomoy would not go to Morris Island. For the purposes of the wildlife refuge and its administration, provision for a right-of-way across Morris Island has already been made. Further, Mr. Noyes is prepared to offer the Department an even more satisfactory right-of-way across the island. Therefore, as a means of access, there is no reason for including Morris Island in the park.

It is contemplated that Morris Island would be a tent or camping site. First, let it be noted that a tent or camping site would run contrary to Chatham's model zoning regulations. More to the point, however, is the geographic location of Morris Island in relation to the remainder of the contemplated national park. Please refer to exhibit 11 in reading the following description.

Chatham is at the elbow of the cape. South of Chatham is Morris Island connected by a dike. South of Morris Island is Monomoy. Nauset Beach (or North Beach as it is referred to by the citizens of Chatham) runs northeasterly from Chatham; Morris Island and Nauset Beach are separated by an expanse of water of about three-quarters of a mile. The water between is the outlet from Pleasant Bay into the ocean. It is a cold, swift-running tide which makes even crossing from Morris Island dangerous in a small boat. A person coming to see the proposed national park and staying at the camping site on Morris Island would be approximately 15 miles from the nearest entrance to the national park at Nauset Beach. In short, the visitor enjoying a day in the national park would have to drive 15 miles to his tenting site on Morris Island. In the morning, he would have to retrace his steps over the same distance. The conclusion is that Morris Island has no logical connection with the rest of the park. Morris Island as far as the park is concerned is a complete dead end. There is no access either to Monomoy or to Nauset Beach except by a boat or a 30-mile round-trip drive. Obviously, as a tenting and camping site, Morris Island does not fit into the plans for the national park.

The remaining reason advanced for including Morris Island in the park is the wildlife found thereon. It is suggested that what little wildlife there is can be seen in many other parts of the proposed park. Members of the small herd of deer that inhabit Monomoy occasionally swim across at low tide but always return to Monomoy. In short, there is no wildlife on Morris Island that could possibly justify its inclusion in the national park.

It has been suggested that at some time in the distant future Nauset Beach might join with Monomoy. There is no doubt that the southern extremity of Nauset Beach is continually being extended by the action of the tides. It is equally apparent, however, that if this connection ever does take place, it will be well south of Morris Island. Note on exhibit 2 how much further south of Morris Island Nauset Beach presently extends.

B. Adverse effect on Chatham

The economic effect on Chatham has already been discussed. First, there will be the loss of tax dollars and equally important will be the loss of employment to residents of the town, particularly during the winter season.

The inclusion of Morris Island in the national park will mean a great increase in traffic during the summer season. Chatham's streets are already overcrowded. The winter population of approximately 3,500 increases to 10,000 in the summer. This does not include the transients and guests of residents. The inclusion of Morris Island in the park will mean additional police patrols to handle the traffic. There will be more wear and tear on the main roads and arteries and this additional traffic will require more route and directional signs. The result will be that Chatham with its present unique charm will have thrust upon it thousands of visitors who will do little or nothing to help with the additional tax burden.

The most important effect of including Morris Island in the park is that it will inevitably cause a decline in real estate values. The homes as pictured in exhibit 10 are bound to depreciate in value with the increased traffic and possible road widenings. Such depreciation will start a spiral, resulting in an overall decline in property values in the town. Apart from the economic loss to the town government, the character of Chatham as it presently exists will

definitely be changed. Chatham today fits in perfectly with the purposes of a national park. Nothing should be done to change this. Morris Island in the park will hurt Chatham and will be of no benefit to the park itself. Morris Island out of the park will be a source of strength in helping Chatham preserve its unique character.

CONCLUSION

This brief has divided itself into two sections: The first showing why the Morris Island development will help preserve for the future the basic character of Chatham. Chatham today is an unspoiled town. It is a part of the cape which the national park bill is seeking to preserve. The Morris Island development will enhance Chatham's character and economically help the town to maintain itself as it is today.

The inclusion of Morris Island in the park on the other hand makes no sense from the point of view of the national park. Morris Island for park purposes is a dead end and serves no useful purpose. The one or two reasons of merit advanced for its inclusion in the park, namely, right of access to Monomoy and preservation of the white cedar bog swamp, have already been anticipated (long before there was any idea that Morris Island would be included in the park) and provided for by Mr. Noyes. On the contrary, its inclusion in the park will lead to the deterioration of Chatham. The economic loss of the Morris Island development, the traffic problems created leading to a decline in real estate values, all serve only to defeat the very purpose of the national park. Chatham must be maintained as is. Out of the park, Morris Island will do this, and, further, will be a source of strength for Chatham for the future. In the park, Morris Island can only be the cause of Chatham's decline.

It is respectfully submited that Morris Island be excluded from the national park.

Senator Moss. You may proceed, Mr. Snow.

STATEMENT OF JOHN C. SNOW, CHAIRMAN OF SELECTMEN, PROVINCETOWN, MASS.

Mr. SNOW. Mr. Chairman, Senator Moss, the Honorable Senator from Massachusetts, Representative Keith, my name is John C. Snow, and I am the chairman of the Board of Selectmen of the Town of Provincetown on the outermost tip of historic Cape Cod.

I have been designated by my fellow members of the Provincetown Board of Selectmen to represent the views of the town government and, as closely as we are able to reflect them, the views of the citizens and taxpayers of the town of Provincetown. This is, at best, a most difficult task of which I am unworthy, but I shall do my best to bring to your attention the facts concerning the proposed legislation which I feel most pertinent to the town of Provincetown.

I have a written statement here which I will submit which summarizes my remarks and I shall attempt to highlight from this statement facts which I think should particularly be brought to your attention and those of the members of your committee, Mr. Chairman.

Senator Moss. Thank you, Mr. Snow. The entire statement will be printed in the record at this point.

(The statement follows:)

STATEMENT OF JOHN C. SNOW, CHAIRMAN OF SELECTMEN, PROVINCETOWN, MASS.

Mr. Chairman and honorable members of this committee, my name is John C. Snow, and I am the chairman of the Board of Selectmen of the Town of Provincetown, on the outermost tip of historic Cape Cod. I have been designated by my fellow members of the Provincetown Board of Selectmen to represent the views of the town government and, as closely as we are able to reflect them, the views of the citizens and taxpayers of the town of Provincetown. This is, at best, a most difficult task of which I am unworthy, but I shall do my best to

bring to your attention the facts concerning the proposed legislation which I feel most pertinent to the town of Provincetown.

At the outset, I should like to bring to your attention, the official and unanimous vote of the Provincetown Board of Selectmen at a legal meeting on December 7, 1959. I might add that the coincidence in dates, that is December 7, has no bearing on our feelings in this matter. The following is from our official records:

"The national park bill was discussed in some detail and some consideration was given to expressions of opinions made at the hearing tonight and otherwise made to members of the board, and it was agreed that the board is unanimously in favor of the park in principle. The members of the board feel, however, and instructed Mr. Snow to inform the committee that it is vital to the interest of our town that the present municipal uses in the area be continued as such and that ample provision be made for proper expansion into the park area for noncommercial purposes on an equal basis with the other towns involved."

This action was taken after a prolonged and exhaustive discussion of the ramifications of the proposed Cape Cod National Seashore Park to our town and its economy. It is only fair to state that before this vote was taken, a hearing before the selectmen was held in the Provincetown Town Hall to which were invited all citizens and taxpayers of our town who cared to bring to the attention of the board of selectmen their views on the proposed park in order that their views might be brought to the attention of your committee. The attendance at this hearing was disappointing in that approximately 30 persons attended from a voting population of approximately 2,300. Those speaking and their remarks may be summarized as follows:

Mr. Philip Malicoat, of 320 Bradford Street, asked to be recorded in favor of the national park.

Mrs. Walter Chrysler, of 81 Bradford Street, asked to be recorded as violently opposed to the park bill, and briefly explained that she felt this should be handled on the local level.

Mrs. Mary Heaton Vorse, of Commercial Street, said she liked the idea of a park, but was violently opposed to the towns of Provincetown, Truro, and Wellfleet being encroached upon.

Mr. Fred Rogers, of 21 Center Street, said he was in favor of the bill, generally. Selectman Lema asked if the planning board had taken a stand and was advised it had not.

Mr. John Van Arsdale, of 27 Commercial Street, said he thought the planning board had taken a stand in favor of the park while he was chairman of the planning board.

Mr. Ross Moffett, of 296 Commercial Street, asked to go on record as being wholeheartedly in favor of the park and the present bill.

Mr. Herman DeSilva, of 15 Winthrop Street, said he felt that the town of Provincetown should exert some effort to get back some of the Province lands for future expansion, and that the Federal park should be limited to the area along the back shore.

Mr. Walter P. Chrysler endorsed Mr. DeSilva's viewpoints and expressed his belief that property ownership is an individual right which we should not give up to the Federal Government.

Mrs. Joyce Koch, of Duncan Lane, wished to be recorded in favor of the park and the park bill.

Mrs. Grace Collinson asked what stand the selectmen are taking, and was advised that this hearing is being held so that the selectmen can determine local public opinion. Mrs. Fred Rogers and Mr. Walter Chrysler also discussed the type of testimony to be given by the spokesman at the Bastham hearing.

Mrs. Irma Ruchstahl, of 211 Bradford Street, said that both she and her husband are in favor of the bill.

Mrs. Hazel H. Werner, 15 Holway Street, asked to be recorded in favor of the park.

It would appear from this that there is considerable indifference in our town to the park proposal. The statement has been made by some that "Provincetown has nothing to lose no matter which way this goes." That is not true, Mr. Chairman. Provincetown was born from the sea as a sandbar arising from the depths of the Atlantic Ocean. Provincetown was reborn as the place where our Nation and Government were born at the time of the first landing of the Pilgrim Fathers on American soil on November 11, 1620, and as the place where the Mayflower compact of free government in the yet unborn New World was signed.

Provincetown was a whaling port of great consequence and is today one of the leading fishing ports on the eastern seaboard. But, as are other areas of Cape Cod, the vacation-travel industry has become our principal mainstay; it is rapidly becoming our principal industry, if it is not already that. In order to attract the vacation-travel industry, we must provide them with something other than a landscape scarred by bulldozers, a shocking series of untastefully built motels of wretched architecture, a series of barrooms, nightclubs, penny arcades, hotdog stands, and other blotches on our scenery by exploiters who are with us long enough to secure the maximum return on the minimum investment to the communities on our cape through which they pass before they sell out at a tremendous profit to their successors equally prompted by the greed which will despoil our great land.

Provincetown has a total area of 6,000 acres, making it much smaller to begin with than a standard township, which, I believe, contains over 23,000 acres. In a way, Provincetown has been most fortunate because of the existance of Province lands, which is an area in the nature of a State park consisting of 3,520 acres along the back shore or northerly westerly part of Provincetown on the Atlantic Ocean. The Federal Government now holds land in the Long Point area totaling approximately 230 acres, leaving 2,250 acres within our corporate boundaries. The Commonwealth took 310 acres of this for construction of the Mid-Cape Highway and is in the process of taking 1,136 acres for the Pilgrim Spring State Park, which will leave a balance of only about 800 acres. We have over 32 acres of cemeteries in Provincetown and an estimated 50 acres of streets and roads, leaving only 720 acres to live in. This latter figure includes considerable public land used for school, public buildings, parking lots, and monument or park areas. It also includes ponds, swamps, and marshlands unsuitable for development.

Nearly all of the land proposed to be taken in Provincetown and the land in controversy is a part of the Province lands in the town of Provincetown, the history of which is unknown or unfamiliar to many native Cape Codders and has a tendency to explain the position of my town. Title thereto was acquired by the Province of Massachusetts Bay prior to the year 1679 by a grant from one Sampson an Indian. On February 5, 1679, the Province received a confirmatory deed of said land from other Indians who claimed to own it. It is evident that that land along the seashore in the town of Provincetown was very early occupied by fishermen as squatters, many of whom erected buildings which they occupied as dwellings as well as for business purposes. Claiming to own title thereto, they afterward conveyed the land by deed.

When Provincetown was incorporated by an act of the legislature of this State in the year 1727 it was provided that:

"All the lands on the said cape, being Province lands, be, and hereby are, constituted a township by the name of Provincetown; and that the inhabitants thereof be vested with the powers, privileges, and immunities that the inhabitants of any of the towns within this Province by law are or ought to be vested with: Saving always, the right and title of this Province to the said lands, which is to be in nowise prejudiced."

The land along the shore in Provincetown proper had been occupied by fishermen as squatters, who conveyed their real property by deed, although title could not have been acquired as against the Commonwealth.

Practically the entire town was in the same predicament, its citizens with their individual dwellings and business houses and the municipal corporation with public buildings, including its town hall and public school buildings. Keeping in mind the situation as then existed, it is apparent that the legislature intended by the acts of 1893, chapter 470 to allow those whose claim to said lands had accrued either by or through these squatters to perfect and actually acquire title to that portion of the Province lands lying east and south of a certain line as affixed in said act.

It may be seen, therefore, that the entire area of the cape tip, exclusive of Truro and the other cape towns is the Province lands. The town of Provincetown was incorporated in order to goven the settled area, but title remained in the Commonwealth. This situation was not altered until the above mentioned act of 1893. This act gave the squatters in the settled area, within certain defined bonds, good marketable titles. It did not set up the area referred to as the Pronvince lands, as a separate entity, a sort of foreign country bordering on Provincetown and immune from its laws and police jurisdiction. One has only

to refer back to the act incorporating the town: There can be no mistake as to the intention of the legislature.

In other acts of the legislature, the province lands are referred to as in Provincetown (ch. 11, acts of 1727; ch. 261, acts of 1854, secs. 8, 12; ch. 154, General Statutes of 1860). There can be no reasonable questioning of the fact that the province lands which are supervised by the department of public works, as successor to the board of harbor and land commissioners, are as much a part of the town of Provincetown as that portion of the province lands south and east of the line defined in chapter 470 of the acts of 1893, section 1, the only difference being that a good title may be passed from person to person in that area not remaining under the direct supervision of the State.

Among the laws affected by chapter 470, acts of 1893, was "so much of section 11 of chapter 196 of the public statutes and all other acts or parts of acts which refer to the province lands at Provincetown * * * shall not hereafter apply to that portion of said province lands lying east and south of the line fixed in the first section of this act." Remedial statutes should be construed liberally and effect given if possible to the result sought to be reached (opinion of the justices, 7 Mass. 524). This was a remedial statute. The legislature was endeavoring to allow those in possession and control of the province lands lying east and south of the line to acquire title to the same by such possession.

Chapter 144 of the acts of 1886 relates to the duties of the board of harbor and land commissioners, and said commissioners by this act have charge of all the lands belonging to Commonwealth, wherever situated. They are in the position, through their succeeding department, the department of public works, of a custodian or caretaker, to supervise the upkeep and physical condition of these lands. The legislature has allocated neither the power nor the personnel to enforce the law of these lands. They have clearly shown their intent that, as a part of the town of Provincetown, the police department of the town of Provincetown has a right to enforce the laws of the Commonwealth on the beach and dunes as well as the rest of the town, and the district court sitting in Provincetown has jurisdiction over crimes committed on the beach because the jurisdiction of said court granted by our legislature expressly included the town of Provincetown (acts of 1890, ch. 177, and General Laws, ch. 218, sec. 1).

As a logical result of the historical background of the province lands and the town of Provincetown, it has been clearly shown above that the town and the second district court of Barnstable County have territorial jurisdiction over the area in question. Our town would, of course, be in a far different position if this situation did not exist.

This review of the historical and legal relationship of Provincetown to the province lands should tend to show that they are in the town of Provincetown, although they may not be occupied and developed in the absence of special legislation by the State. However, the State has been sympathetic with the problems of our town, the growth of which has been stunted by the absence of land into which to expand. The Provincetown Municipal Airport, our most important transportation facility at the present time, is within the province lands. The town disposal area, or, as we Cape Codders call it, the town dump or the "Provincetown exchange," is within the boundaries of the province land. There was no other suitable place to locate these important municipal facilities, and our approval of the bill in question would, quite naturally, have to be conditioned on their continued existence in their present or equally suitable locations.

Long before the national seashore proposal became eminent, Provincetown officials were negotiating with the appropriate officials of the Commonwealth of Massachusetts, through our elected representatives, to secure the return or conveyance of the area to accommodate the present population and take care of normal growth. If there should be a national park, the need would be even more urgent. People are coming to Provincetown, which is at the extreme eastern end of Route 6, and we cannot, in all fairness, be crowded further in order to accommodate them. We must expand and we must have some of the presently State-owned land and proposed federally owned land to expand into.

Because of the encroachments described above by the Commonwealth of Massachusetts for the so-called Pilgrim Spring State Park and for State highway purposes, together with the retention of State control of the area known as the province lands, it is respectfully suggested and most urgently recommended that section 5B of the bill be amended in such manner that the town of Provincetown will be given land within which to expand on an equal basis with the other towns involved. At this point, it might be appropriate to add that we already

have, and have had for some time, a rigid zoning bylaw which has been rigidly enforced. This could probably best be accomplished by amending section 5(B) so that it will read as follows:

"The Secretary shall, in conformity with the provisions of subsection (A) of this section upon request made to him not later than five years after the date of enactment of this Act pursuant to any lawful vote of a town meeting of any town referred to in section 1 of this Act, which vote has been ratified by the advisory committee, established by section 10 of this Act, designate in such town an amount of unimproved property for such development, which together with any previous such designation, made by him for such town shall not exceed in acreage 10 percentum of the total amount of park area lying within the present boundaries of such town * * *."

It is further proposed and recommended, Mr. Chairman, that section 8 have inserted and added thereto a subsection to be known as section 8(B):

"There being no taxable property, and, therefore, no tax loss in the area included within the town of Provincetown, the preceeding paragraphs of this section shall not apply to that town, but the unimproved property designated by the Secretary for development under section 5(B) of this Act shall be sold, deeded, or otherwise be made available as private property for residential purposes and shall be subject to taxation by the town of Provincetown."

Now, if we may turn back to section 2(a) and in order to insure the continuation of present municipal uses within the province lands which are referred to above, it is urged that this section be amended by an insertion in the second sentence thereof so that it will read:

"Any person or interest therein, owned, leased, or presently used for public purposes, by the Commonwealth of Massachusetts, by any of the towns referred to in section 1 of this Act, or by any of the other political subdivisions of said Commonwealth, may be acquired only within the concurrence of such owner, lessee, or town involved."

This would assure our protection in the continuation of present municipal uses.

As one may assume from the above, Mr. Chairman, the present bill does not have complete acceptance in Provincetown, although we favor the national seashore proposals in principle. There are a number of people in the town of Provincetown who, for reasons which I assume they have or will bring to the attention of this committee, violently oppose this legislation. Some of their arguments in substance, are set forth above. I do, however, feel that they are in the minority and do not reflect the opinions of the majority of the voters, citizens, and taxpayers of Provincetown.

And, Mr. Chairman, let me add further that the officials and the people of the town of Provincetown are quite naturally, in a closely knit community as Cape Cod, extremely concerned and sympthetic toward the aspirations of our neighboring towns. These other towns are very closely interwoven with us in our mutual history, traditions, economic status, aspirations for the future and concern for the territorial and financial integrity of each other. We know from the arguments already presented and to be presented in the course of these hearings that there is great concern over the economic impact this legislation will have on the cape communities. It is my understanding that steps have already been taken to secure an economic survey, and I trust that final action will not be taken on this bill until we have had an opportunity to study the results of this survey and other surveys of a similar nature which may be undertaken. Obviously, the public good supersedes any private interest, but whenever a colossus such as the Federal Government steps in, I have the confidence in the integrity of our Government that due regard will be given to those who may incidentally suffer thereby. I sincerely hope that detached reflection and the most prudent deliberation will be given to all arguments presented here, both for and against the park proposal, and that, having fully considered the enumerable ramifications of this legislation, not only to the town of Provincetown, but to all of the towns involved, your committee will present a recommendation based on what it feels, from the point of view of good Americans, to be in the public interest and to provide for those who may appear to be in the minority.

Thank you, Mr. Chairman.

Mr. SNOW. Now, on December 7, that is last Monday, the Provincetown Board of Selectmen voted unanimously to favor the park proposal as incorporated in this bill in principle. The members of the board felt that their present municipal uses that are now taking place in the area which should be brought to your attention, the attention of your committee, in order that some appropriate provision could be made to see that these municipal uses now going on may be continued and also that some provision may be made in this bill in order that the town of Provincetown may be placed on the same basis as other towns who are deprived or who would be deprived as a result of this bill from growing into presently unoccupied areas in order that we may not be crushed against the sea as we are at the present time and have been for some time.

Now, we held a public meeting of the board of selectmen before taking this vote and that was at our meeting last Monday night. At that time we invited any interested citizens to come in and express to us the views which they might like brought to the attention of your committee.

I believe that a majority of those present were very much in favor of the present legislation. Some of those were in some respects which might be handled by minor modifications which I am certain that this bill in final form will probably include anyway, would have approved if those were included or would have completely approved the bill. Those who were opposed in essence felt that the reason why they were opposed was that the various towns involved, and it was a sympathetic feeling for our neighboring towns, would also be as one of the speakers put it, mutilated. That was the essence of the opposition. Also, the feeling that a provision should be made for inheritance of the property involved within the partial limits and a provision for continued occupancy and a provsion for something to fill the vacuum in the economic situation in the various towns involved by the depreciation of tax revenues as a result of the taking.

Now, the impression has been created by some and is in the mind of some, and I hope it is not in your mind, Mr. Chairman, or in the mind of our Senators and Representatives, that it is a matter of indifference in the town of Provincetown whether or not the park goes through because of the existence of the province lands from the early days of our town. However, tracing the legislation in this matter, which I have done, one finds that the province lands in legislation and in cases decided by our supreme judicial court have always been considered in Provincetown, a part of the town of Provincetown, although jurisdiction over these areas, the areas included in the province lands and now in the contiguous Pilgrims Springs State Park are under the control of the Commonwealth of Massachusetts.

We feel that our economy at the present time has built up a good deal in our town on the vacation travel industry, as well as in the rest of the cape. Our principal industry has traditionally been the fishing industry. But now, as with the rest of Cape Cod, we are interested in the vacation travel industry, which is supplanting other older industries. We feel that the proposed national park will be a great attraction to bring in the vacationing public that will bring them here and we will be able to incidentally profit by it in all frankness and fairness, and that the bills which have been proposed and the one we

are discussing here today will do a good deal to prevent further exploitation of the cape, further scarring of our landscape which we love by bulldozers, a shocking series of untastefully built motels of wretched architecture, a series of barrooms, nightclubs, penny arcades, hotdog stands, and other blotches on our scenery by exploiters who are with us long enough to secure the maximum return on the minimum investment to the communities on our cape through which they pass before they sell out at a tremendous profit to their successors equally prompted by the greed which will despoil our great land to get us much money out of the cape and from the vacationing public as they can and then take off and try to resell the place. This should be preserved for those who follow us. In Provincetown we have been stymied, as I say, for some time because of the province lands and since the town was incorporated in 1727 we have been held against the sea.

We feel that in the province lands, which is the areas contemplated to be taken by the national park since we have there now our municipal airport, one of our principal transportation facilities which I pointed out to you this morning——

Senator Moss. Yes. Is that within the limits of Provincetown?

Mr. Snow. That is within the geographical limits of the town of Provincetown in an area known as the province lands, which is under control of the Commonwealth of Massachusetts.

Senator Moss. That is what I wanted.

Mr. Snow. They are the guardian or custodian of this land but it is in the geographical limit of the town of——

Senator Saltonstall. Mr. Chairman, where is the title?

Mr. Snow. The title to the land—the title to the fee, I assume, is still in the Commonwealth, Senator.

Senator Saltonstall. May I ask one more question?

Mr. Snow. However, it is in the geographical limits of the town.

Senator Saltonstall. Mr. Chairman, reading your brief here, does that mean that if there is going to be any development or use of the so-called province lands, it would have to be through special legislation in the General Court of Massachusetts?

Mr. Snow. That is correct, Senator.

Senator Saltonstall. And are those province lands under the general park laws of Massachusetts?

Mr. Snow. I believe they are at the present time under the jurisdiction of the division of waterways of the Commonwealth, strange as it may seem. And I may stand corrected from someone from the State department of conservation here, but I believe it was transferred from conservation to waterways.

Senator Saltonstall. Then would it take special legislation by the Commonwealth of Massachusetts in its general court to turn this land over to the Federal Government if it was so desired?

Mr. Snow. I would assume so, Senator.

Senator Saltonstall. So any restrictions or exemptions could be handled in such legislation and that would take care of your airport, would it not?

Mr. Snow. It could be taken care of at the time, Senator.

Senator Saltonstall. We are concerned that it be done. We are not concerned with the mechanics, particularly.

Thank you, Mr. Chairman.

Senator Moss. Thank you.

Mr. Snow. We also have in this area a very vital part of our town and most of the towns on the cape and that is the town disposal area, otherwise known as the town dump, or as we who live there sometimes call it, the Provincetown exchange.

Senator Moss. That we saw also this morning.

Mr. Snow. And I pointed that out to you today, too.

This may appear to add a rather humorous vein. However, it had to be placed there because when the State highway came through route 6, which is the double highway, the double-barreled highway passing through the area, there was no other room to put such a place, and of course if this is taken—this area as a national park—we would like at least to maintain that. I assume under the usual park provisions of sanitation and good taste and perhaps a screen of evergreens around it, but we need our town dump.

Now, those are the two principal facilities that we have there. We have for some time been negotiating with the appropriate officials of the State government for the purpose of securing some part of the province lands, into which Provincetown, too, might be able to expand—long before the seashore proposal became imminent, long before it was thought of, and we have been working on that and we have received very sympathetic replies. Of course, the legislation which would enable this is quite involved, and Senator Stone has been working on it, and our representative to the General Court of Massachusetts, Representative Elbro, has also been working on this.

Even our recreation field, Evans Field, which has been a ball park since I was a small boy there, and long before that, was taken in this State highway taking, so that we had to replace that with a very inferior field.

So some provision, we feel, should be made in the area between Cornwell Street and the new beach, so called, and Grandview Hill, so called, where New Beach Highway and Cornwell Street—the State highway to Rays Point—intersect. So that in that area adjacent to Route 6 and immediately north or northwest thereof, we might be able to develop. Because of the encroachments that I described in my statement both by the Commonwealth of Massachusetts for the Pilgrim Springs State Park and for State highway purposes as well as the area known as the province lands, it is our request and we most urgently recommend that section (B) of the bill be amended in such a manner that the town of Provincetown will be given land within which to expand on an equal basis with the other towns involved.

We have, and we have had, for some time, about 10 years, a rigid zoning bylaw which has been rigidly enforced. Anyone who has applied to the zoning board for variance will tell you that.

This serving of our purposes and giving us consideration could probably best be accomplished by amending section 5(B) so that it will read as set forth in the statement on page 9.

It is further proposed that section 8(B) be amended and that there be inserted a subsection to be known as section 8(E), this being as follows:

There being no taxable property and therefore no tax laws in the area included within the town of Provincetown, the preceding paragraphs of this sec-

tion shall not apply to that town, but the unimproved property designated by the Secretary for development under section 5(B) of this act shall be sold, deeded, or otherwise made available as private property for residential purposes and shall be subject to taxation by the town of Provincetown.

And that would accomplish our purposes in giving us some room, some living room into which our town can expand, with a provision similar to that being made for the other towns.

Now, in section 2(A), so that we could insure the continuation of present municipal uses which I referred to previously, a suggestion is made there of an insertion which could take care of us in that regard, and that is included in page 10 of my statement.

So that the bill, although we are in favor of it in principle, in most respects we feel that these minor modifications are only fair and reasonable to request of you, Mr. Chairman, and to request that the committee include in recommendations in its report, and we further feel that in our town we are very closely connected and interwoven with the other towns to the cape. This is the Cape Cod community. As Mr. McNeece and some of the previous speakers have so ably stated, this is an area of white cottages, of clean towns, of nice little New England communities, which we are certain those throughout the Nation—all America—would like to see. We want to keep them pretty much as they are. We would like the rest of America to enjoy these. But we hope that you will also consider the impact that it will have on the other communities, and in giving consideration to this impact, Mr. Chairman, we feel that some thought should be given to the 3-acre limitation of land by homeowners within the boundaries of the proposed national park, that some consideration should be given to the prevention of wide-scale establishment of camping, picnicking, and other facilities which might despoil the area, perhaps, eventually, even more so than private development, if there is not close public control. Police problems will be created in the various towns as a result of the influx resulting from this, and it would appear that some consideration should be given to that in this bill.

We also feel that some consideration should be given in the other towns to the fixed 10-percent limitation of land in the park area for noncommercial development. I want to say that I feel that with the Federal Government coming upon us, and coming with this proposed legislation at this time, we are a lot of little people on Cape Cod. Our voices may be weak but we have confidence that the Federal Government and our representatives in that Federal Government will represent us as good Americans; that they will give due consideration to all of the many ramifications of this legislation in order that we who might not have the loud voices that they have in some areas, we who might not be able to express ourselves too well or make our feelings felt as strongly, may be given every consideration, and that those who may incidentally suffer from what many of us, perhaps—and I am certain most of us—may consider a great benefit, a great boon to the cape, so that those who may incidentally suffer, their suffering, their deprivation of land may be kept to a minimum or that they may be adequately compensated for what they may lose.

We ask you to give consideration, Mr. Chairman, to the views of all the cape towns here today as well as ourselves, and that you will weigh very carefully before making any recommendations the ramifi-

cations of this legislation on our Cape Cod community. I want to thank you very much.

Senator Moss. Thank you, Mr. Snow, for a very excellent statement. It was concise and precise.

Mr. Biddle. Mr. Chairman, before Mr. Snow leaves the stand, I wonder if you would be willing to ask him a question so as to clarify one of his statements with respect to giving consideration to the 3-acre limitation. Would you ask him whether he means by that to consider enlarging the 3-acre limitation?

Senator Moss. Would you care to comment on that, Mr. Snow? Mr. Biddle suggests that you enlarge on your statement about the 3-acre limitation, whether you are talking about enlarging the 3-acre limitation.

Mr. Snow. My comment on that, Mr. Chairman, is that I certainly refer to enlarging the 3-acre limitation where that enlargement will be for nonresidential, commercial purposes.

Mr. Biddle. Thank you.

Senator Moss. Thank you, Mr. Snow. Thank you very much. That was an excellent statement.

Senator Moss. Dr. Shattuck, of the Nature Conservancy, is the next witness. He will be followed by James DeNormandie, State representative from Lincoln, Mass.

You may be seated, sir.

STATEMENT OF GEORGE C. SHATTUCK, MASSACHUSETTS REPRESENTATIVE, NATURE CONSERVANCY

Dr. Shattuck. Senator Moss, gentlemen, my name is George C. Shattuck. I live in Brookline, Mass. I am here primarily to represent the board of governors of Nature Conservancy, a nationwide organization which is interested primarily in the preservation of natural areas. This organization is not of many years' standing, I think about 6 or 7 years. But even in that period it has already acquired a considerable number of important reservations in different parts of the country. But this organization is not interested solely in what it can itself control. It is interested also in backing up efforts of this kind, to preserve natural areas through Federal, State, or other agencies.

I have here a brief statement which embodies the rules of the board of governors.

The board of governors of the Nature Conservancy has passed a resolution favoring the establishment of the proposed Cape Cod National Seashore Park. They believe that S. 2636 introduced by Senators Saltonstall and Kennedy, if adopted, substantially in its present form, will meet the essential requirements for the proposed park and also that it will do substantial justice to local public and private interests. The governors, therefore, hope that S. 2636 will be adopted without weakening amendments.

Nature conservancy has active chapters in a number of States in this country. In others there is no such organization. Here in Massachusetts we have only a representative. For the present time I am the representative of Nature Conservancy for Massachusetts. We had in Massachusetts about 174 members. We had an annual meeting a

few days ago, which was very well attended. It is an active group. It is interested in conservation from many standpoints but as I say, primarily so far as it is possible we wish to preserve natural areas and keep them in their natural state.

Finally, speaking for myself, I have known the cape for more than 50 years, have been coming down here to different parts mostly in the winter, occasionally in the summer, in the spring, and in the fall. I know the cape at all seasons. I have always had a special fondness for this part of the cape out here, the dunes, the little moors and the rather miniature landscapes which to me has a special charm and fascination.

I have seen great changes taking place in the cape since I first knew it. It is developing more and more rapidly. When I first knew it, I supposed it would always remain as it was then. I have been very much impressed, therefore, with the fact that the cape is changing so fast that unless something of this sort is done I am afraid that the tide of progress, if I may call it so, will overflow and destroy the charms of the cape.

Thank you.

Senator Moss. Thank you very much, Dr. Shattuck. I appreciate your statement.

Dr. SHATTUCK. Thank you, sir.

Senator Moss. Mr. James DeNormandie, State representative from Lincoln, Mass. The next witness will be Prof. Charles Eliot.

STATEMENT OF JAMES DeNORMANDIE, STATE REPRESENTATIVE, LINCOLN, MASS.

Mr. DENORMANDIE. Senator Moss, Senator Saltonstall, Congressman Keith, I appreciate very much the opportunity to say a few words here.

I would like to make clear that while I am a member of the legislature, I am speaking as an individual tremendously interested in the problems of conservation and recreation within the Commonwealth as a whole.

I would like to say that I am happy that the legislature has endorsed this project almost unanimously. I think it is important. I am sure it has the full support of the legislature and that whatever legislation is necessary to carry out the Commonwealth's obligations in this project will be thoughtfully considered and handled carefully, particularly preserving interests such as Selectman Snow has pointed out in the case of Provincetown.

I would like to say that I think Commissioner Foster has outlined better, perhaps, than anybody, or that I can possibly do, the interest of the Commonwealth, the broad interest of the Commonwealth in this project. I would like to just say once more that the towns are doing their share in acquiring land for recreation and conservation purposes, both privately, both private individuals and the towns themselves through conservation commissions and acquisition to park lands.

I would like to say that the State is beginning to meet its obligations. We have not done as good a job as we should. I have been one of those in the legislature who has been very anxious to see the State proceed faster and more aggressively in this area.

I think it is essential that we do this because the time is short.

Obviously, if we don't do it soon there will be very little of this land left for recreation and conservation purposes.

I am one of those who, while interested tremendously in the conservation aspect, feels it is terribly important to consider the welfare of our individual people and the many thousands, in fact millions of people who live in the vicinity of our Commonwealth.

I would like to ask one thing of your committee in particular and that is to give full consideration to present hunting and fishing opportunities that exist in the cape area. It is my understanding that fishing has always been allowed and approved and encouraged in the national parks. Also, some hunting. This has been a matter of the pleasure of the Park Service. I personally have great confidence in the fairness of the Park Service in handling that matter. But I think there are many people in this area who would be happy to see this spelled out, perhaps, a little more clearly and a little more definitely. It is conceivable that the deer in this area may under park conditions increase to the point where they cannot be supported in the area of the park and may have to be reduced by one means or another. It would be a happy thing for the people of the Commonwealth and our neighboring States if it were possible to continue deer hunting under proper supervision.

I would like to say here also as far as the Park Service is concerned that those of us who have had contact with the Park Service in one way or another and I would like to say that in my own district, you in Congress have just authorized the Minuteman National Historic Park, we have had wonderful cooperation so far from them. In the parks that have proceeded much farther than ours the evidence of the supervision and policing is such as to lead me to believe that this area would be in safe and sympathetic and fond hands, if I may say so. They have a sense of balance which will protect the area from overcamping and by the same token prevent it from being closed up entirely as a wild life preserve.

In other words, that this balance I think the Park Service understands very fully and very completely. I think they have at all times shown a real appreciation of local conditions and have encouraged local cooperation and the possibility of that is provided very specifically in this bill as it has been provided in our Minuteman Historic Park bill.

So I would just end by saying this, that we want the park to preserve the beauty and to preserve the wildlife, certainly. We do that. We want to build up and stabilize the economy of our community and I say our community in the large sense, the Commonwealth. But above all it seems to me that this park must serve the people of the Commonwealth and the people of the greater New England area as a place where they can come and enjoy the open country with their families, with their children, go home realizing after seeing the dunes and the beaches and the ocean that there is something more to be looked for in this age of scientific achievement than just material things. In my opinion nothing can give them a feeling that there is something more important in this world than atom bombs than spending time in areas such as Cape Cod.

Thank you very much.

Senator SALTONSTALL. Mr. Chairman, in his modesty Mr. DeNormandie did not tell the chairman he also appeared before him in connection with the Minuteman National Park in Washington last spring.

Senator Moss. Very happy to have you, then, and your very excellent statement here, Mr. DeNormandie. I appreciate it very much.

Mr. DENORMANDIE. Thank you, sir.

Senator Moss. Prof. Charles Eliot. While he is coming forward, I will put in the record a telegram which I received from Howard F. Mason, Jr., president, and Mrs. Jesse Hartley, chairman of the Recreation Committee of Westfield River Watershed Association in which they point out the directors and the members wish to be recorded as strongly in favor of the establishment of Cape Cod National Park, Senate bill 2636.

(The telegram follows:)

HARTFORD, CONN., *December 9, 1959.*

Senator FRANK MOSS,
Public Land Subcommittee,
Senate Committee on Interior and Insular Affairs,
Eastman, Mass.:

Directors and members of the Westfield River Watershed Association wish to be recorded as strongly in favor of establishment of Cape Cod National Park, Senate bill 2636.

HOWARD F. MASON, Jr.,
President.
Mrs. JESSE HARTLEY,
Chairman, Recreation Committee.

Senator Moss. Professor Eliot.

STATEMENT OF PROF. CHARLES W. ELIOT

Mr. ELIOT. Mr. Chairman, Senator Saltonstall, Mr. Keith:

My name is Charles W. Eliot. I live at 25 Reservoir Street, Cambridge. I am landscape architect and planning consultant by profession and currently a professor of planning at the Harvard Graduate School of Design.

During my 36 years of professional practice I worked on a great many of these park problems both for the National Park Service and for the State and for a number of cities and towns. I have also had something to do with these affairs because of my service on the boards directing the trustees of preservation here in Massachusetts, the National Park Association and the American Planning and Civic Association. My interest in the outer beach was aroused originally over 30 years ago when as seceretary of the trustees of preservation, I found that their first activity when they were established in 1891, was to make a report on these province lands which were referred to this morning. I think it is largely due to that report that the province lands are still in the relatively undeveloped natural state which you saw them this morning.

I have here, sir, a letter from the trustees of preservation, which indicates their continuing interest in the preservation of the unique scenery of the lower cape and recites the unanimous vote at the latest annual meeting of the corporation in favor of the establishment of the Cape Cod National Seashore Park.

Senator Moss. This will be placed in the record at this point, Professor Eliot.

(The letter follows:)

THE TRUSTEES OF RESERVATIONS,
Milton, Mass., December 3, 1959.

Senator FRANK E. MOSS,
Chairman, Subcommittee of the Senate Committee on Public Lands.

DEAR SENATOR MOSS: I herewith present a copy of resolutions adopted by the members of the Corporation of the Trustees of Reservations at their annual meeting held in Boston, Mass., on January 28, 1959.

Sincerely yours,

LORING CONANT, *Executive Secretary.*

RESOLUTIONS OFFERED BY CHARLES W. ELIOT AT THE ANNUAL MEETING—TRUSTEES OF RESERVATIONS JANUARY 1959

I. PROPOSED NATIONAL PARKS AND HISTORIC DISTRICTS

Whereas the Massachusetts Trustees of Reservations were established by act of the general court in 1891 for the "purpose of acquiring, holding, arranging, maintaining and opening to the public under suitable regulations, beautiful and historical places and tracts of land within this Commonwealth; and

1. Cape Code National Park

Whereas one of the first actions of this new corporation in 1891 was to petition the general court "that the Province lands upon Cape Code stand in need of more efficient management," and asking prompt action to "preserve for the use and enjoyment of the people of the Commonwealth, their only great oceanside domain."

At the request of the general court, the trustees prepared a report in 1892 which led to the adoption of legislation the following year and established the first unit of the Great Beach Reservation as advocated by Henry Thoreau over 100 years ago; and

Whereas the National Park Service, after an investigation of all possibilities for preservation of remaining natural seashore areas along the Atlantic coast has recommended a national seashore park on the Great Beach of Cape Code, and legislation (H.R. 3030) has been introduced in Congress for the establishment of the Cape Code National Park.

2. Minute Man National Historical Park

Whereas in 1939, with the help of the Emerson family and other friends, the trustees were enabled to acquire and preserve The Old Manse and 8 acres adjoining the Concord Battleground of 1775 at the Old North Bridge, and now maintain the reservation through an active local committee; and

Whereas the Boston National Historic Sites Commission, after 2 years of study and research, has issued a report on "The Lexington-Concord Battle Road" with recommendations for establishment of a national historical park in two units (*a*) along the Battle Road between Route 128 and Meriam's Corner, and (*b*) at the North Bridge including the Old Manse, and for negotiation of "cooperative agreements with local governments, societies, and other property owners wherever feasible to insure the continued preservation and facilitate the interpretation of significant sites and structures both inside and outside the units specifically proposed"; and legislation (H.R. 1932) has been introduced in Congress for the establishment of the Minute Man National Historical Park; and

Whereas the Governor of the Commonwealth has recommended the establishment of historic districts for the protection and preservation of historic sites, and legislation (H.R. 2185) is now before the general court to authorize cities and towns to establish such districts: Be it

Resolved, That the Trustees of Reservations, at the annual meeting of the corporation held on January 28, 1959, welcome the interest and action of the National Park Service, the Boston National Historic Sites Commission, the Congress of the United States, the Governor and general court of the Commonwealth in the work of preserving the beautiful and historical places of Massachusetts; enthusiastically endorse the proposed Cape Cod National Park, the Minute Man National Historical Park and the establishment of historic districts; and pledge the interest and support of the trustees in the continuing

effort to preserve for public enjoyment these and other beautiful and historical places within the Commonwealth; and be it further

Resolved, That copies of this resolution be transmitted to the Members of the Massachusetts delegation in the Congress, the Committee on Interior and Insular Affairs, the Director of the National Park Service, the Boston National Historic Sites Commission, Governor Furcolo and the committee on State administration of the general court.

II. PROPOSED STATE PARKS AND FORESTS AND THE BAY CIRCUIT

Whereas the Massachusetts Trustees of Reservations have, since their establishment in 1891, urged upon and cooperated with all agencies of the Commonwealth in securing and maintaining public open spaces, initiated and supported the establishment of the Boston Metropolitan Parks (1892, chapter 407 of 1893) and the Bay Circuit (1926, chapter 631 of 1956), and last year urged "the authorization of a large State park and State forest park loan" (chapter 650 of 1958): be it

Resolved, That the Trustees of Reservations at the annual meeting of the corporation held on January 28, 1959, urge that the agencies charged with responsibility over the public open spaces of towns, cities, the metropolitan district and the Commonwealth, and an aroused citizenry, to preserve our presently inadequate parks and open spaces against encroachments by buildings and against diversion to other uses; and again call attention to the need for immediate action in the face of our exploding urban areas for the acquisition and preservation of extensive areas for the recreation and enjoyment of the people—and particularly in the Bay Circuit in the most rapidly growing section of the State—before the beauty and quality of such areas are destroyed forever; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, the commissioners of natural resources and the metropolitan district, and appropriate committees of the general court.

Mr. ELIOT. My appearance here is not only as an individual interested citizen but also as president of the Boston Society of Landscape Architects, which is the New England Chapter for the American Society of Landscape Architects. The society wishes me to record them as wholeheartedly in favor of this bill. What follows are my personal comments on S. 2636. Before I go into those I want to say that I, too, am heartily in favor of the proposed Cape Cod National Park and also in favor of S. 2636.

I have a number of suggestions to offer which I hope, and briefly, will strengthen the bill and promote the purposes which are stated in its preamble.

My first comment is concerning this elimination of 10 percent of unimproved lands which has been referred to several times today by other speakers before your committee.

This, as you are well aware, is a novel feature in bills dealing with national parks and would authorize procedure which everyone concerned with the integrity of the national parks throughout the country will immediately recognize as a very dangerous threat to all of the national parks.

If it is proper to eliminate from a national park lands which are designed for residential development, how are we going to oppose power development, drowning out the Yellowstone Canyon or promiscuous mining in the Yosemite or other raids on our national parks for private or for relatively local advantage?

I would urge your committee, Mr. Chairman, to completely eliminate section 5 from the bill instead of eliminating 10 percent from the park, not only on the ground of principle but also because the principal provisions of this section are the wrong ones to accomplish the purposes which its sponsor would like to further.

Under this section, the action of Congress in defining the park boundaries in section 1 is partially repealed—not by Congress but by vote of a town meeting. Even the Secretary is given no discretion but "shall * * * designate" and so forth, the land eliminated from the park "when such property is subject to such a proper zoning bylaw."

This is all the wrong way around. There should first of all be a plan for both the park and the towns which will relate the two and provide for the proper development of both. Then the park boundaries should be established, the property acquired or restricted for the park and the town's growth guided by zoning and subdivision regulations and by easements and proper restrictions.

If some part of the area described in section 1 is not essential to the park, that part should be eliminated now. So far as I can judge from my knowledge of the area and from analysis of the 1958 report by the Park Service, there are no areas which can be eliminated from the park without seriously damaging its integrity. Possibly some fringe areas could be left indefinitely in private use subject to restrictions and easements, and under residential zoning, with only the existing improvements (as contemplated in section 3). Under no circumstances, in my opinion, should Morris Island in Chatham or Great Island in Wellfleet be omitted from the park.

Far from eliminating areas from the park, I would earnestly recommend that the authority of the Secretary be extended to acquire restrictions and easements on additional lands—between Route 6 and the park in Truro and Wellfleet, and on the shores facing the park on Salt Pond Bay, Nauset Harbor and Pleasant Bay for the protection of views from the park toward those areas.

The needs of the towns should be given every consideration, not by eliminating property from the park but by substantial assistance in making the best use of the lands outside the park through a vigorous program of positive planning and zoning.

2. Zoning and planning. Section 4(b)(2) would suspend the Secretary's authority to condemn "improved property in any town for as long as a zoning bylaw approved by him is "in force and applicable to such property." Further requirements as to zoning are spelled out in section 6. As to this provision in section 4(b)(2) suspending the President's authority by action of a town in adopting a zoning bylaw, I would like to add a few further comments.

I would like to applaud the purpose of those who introduced the bill to encourage the towns to make plans and to adopt zoning bylaws, but I fear that they are inadequate to protect the park, to promote the larger objective of guiding the growth and changes in the towns and particularly to produce a healthy and harmonious relationship between those communities and the park.

Perhaps there is some confusion here—as is frequently the case—between planning and zoning, and a mistaken assumption that zoning is planning. Zoning is only one of several tools to implement a town plan, and should follow rather than precede the adoption of a master plan or comprehensive plan for the community. To help the towns of the lower cape to make master plans and to assist them in drafting appropriate zoning and subdivision regulations and other means of carrying out those plans, I would suggest that the park bill include

provisions for the National Park Service to provide matching funds, and perhaps the services of planning consultants, under appropriate conditions to the towns or groups of towns. Of course, the Park Service should not select the planner, but it should pass on his competence. The assistance available for planning from the HFFA (701 projects) is primarily concerned with housing. In this case we are primarily concerned with the relation of these towns to the national seashore park. Because of that special Federal interest, I think perhaps there is some additional assistance warranted. The economic study announced 2 weeks ago is a step in this direction, and I hope it will be carried much further.

The existence of such master plans, showing the proposed future development of the towns in relation to the park, would make unnecessary the provisions of section 5 of the bill concerning 10 percent withdrawal of park lands for development and to include those facing shores across the harbor.

The zoning contemplated in section 6(b) is only for property within the boundaries of the park. That is a most unfortunate limitation, because zoning to be constitutional must apply in similar manner to all similarly situated properties within the same jurisdiction, and because the Federal interest extends at least 500 to a thousand feet outside the park in order to protect the park itself.

Senator SALTONSTALL. Mr. Chairman, if Mr. Eliot would yield for just a moment. As one of those who helped draft this bill it is not my understanding that the zoning would be confined to areas within the park.

Mr. ELIOT. Delighted to hear it, Senator. I hope that that is the interpretation that the other people working on it make.

Senator SALTONSTALL. Certainly that was our intention.

Mr. ELIOT. That is what we very much want. The recital of subjects to be covered by zoning regulations tends to unduly narrow the field, it seems to me, even though other provisions are included. In this situation lot size and setbacks are less important or incidental to the preservation of woods or wetlands and scenic views, control of appearance of buildings and measures to control drifting sand.

Experience with zoning by municipalities as a means of protecting park values has demonstrated that the kind of provisions which are included in S. 2636 are inadequate. I speak from personal experience I was city planner for the National Capital Park and Planning Commission when Congress approved the project to build the Mount Vernon Memorial Highway. At the request of the authorities in Alexandria that parkway was routed through Washington Street in that city. The city entered into agreements to zone the frontage for residence and to control parking, but immediately after the parkway was opened began to relax the regulations.

The agreement required submission of all changes for recommendation by the Secretary of the Interior, but in almost every case the city paid no attention to the Secretary's advice. It was easy to just not enforce the zoning. Eventually, the Park Service gave up trying to make the city live up to the agreements.

The park bill before you is much more specific as to zoning procedures and the authority of the Secretary than was the case with the Mount Vernon Memorial Highway, but still does not require enforcement of the zoning. I realize that, in this case, if a town does not have

a zoning by law in force which is satisfactory to the Secretary, the Secretary regains power of eminent domain within the park boundary; but the power of condemnation is not enough to prevent damage to the park through zoning violations and zoning changes. Time and money must be available to exercise that power. In subsection (*d*) of section 6, the Secretary's authority might well extend to cover an injunction against improvements contrary to approved zoning, and for termination of the suspension of his authority in cases or amendment or lack of enforcement as well as because of a variance or exception. The Secretary must be the judge as to whether or not zoning is in force.

Experience with zoning has led me to believe that we must back up zoning with some kind of rights in land or easements. Precedents are available in the authority of the Boston Metropolitan Park Commission (1894) and of the National Capital Planning Commission (Public 646, acts of 1928) to acquire rights in land on properties adjoining or in view from public parks. The National Park Service and the California State Park Agency have acquired scenic easements under similar authority. The kind of easement or restriction which is appropriate will vary with different properties, but can include everything covered by zoning regulations and a variety of special provisions beyond the usual zoning authority as well—such as prohibition of tree cutting or against drainage or fill of swamps and ponds, or to control billboards or anything else appropriate in a particular place.

I would suggest an amendment to section 2 of the bill to give the Secretary authority to acquire and condemn rights in land for the protection of the park within 1,000 feet of the external limits described in section 1 or along shores of bays, rivers, and ponds facing the park, and to include a very broad interpretation of "rights in land" so as to cover a great variety of situations.

In view of the inadequacies of zoning protection previously cited, I would further suggest that this power to condemn rights in land over properties adjoining the park should not be suspended in section 4, but rather be specifically exempted from the provisions of that section, of the sections indicated in section 4.

Senator SALTONSTALL. Would the Senator permit one more question?

Senator MOSS. Yes.

Senator SALTONSTALL. Mr. Eliot, you mentioned California. Out in California am I not correct in saying that that power to condemn and get for scenic easements has been turned over practically entirely to local committees? In other words, they give advice and their advice is generally followed. Here, as I understand you, you place it entirely in the Secretary and do not give any of the local people any responsibility in deciding whether or not to have those scenic easements.

Mr. ELIOT. I would be very favorable to using advisory commissions which you set up under the bill, Senator, to advise on these matters as well as on everything else. It seems to me, of course, the local people should be consulted and their advice obtained before action. But I think if you are going to use these easements and the rights as a substitute or in support of the zoning, the basic authority, the final authority should rest with the Secretary.

Senator SALTONSTALL. But under the bill as now drafted, if my memory is correct, the local authorities have some responsibility and some rights as well as the Secretary.

Mr. ELIOT. Yes; I think so, too, sir.

Senator SALTONSTALL. You would give the Secretary more power and leave with local people the advisory rights?

Mr. ELIOT. I would, yes.

Senator SALTONSTALL. Thank you.

Mr. ELIOT. As to payments in lieu of taxes, as I understand it, in this State persons enjoying a life interest in public property to continue to pay taxes for schools, road, power, police protection, and so on and this fact seems to be recognized in subparagraph (b) of section 8. I think, of course, it is entirely proper that there should be payment of taxes or something in lieu of taxes wherever the local government has to supply services to people living within a park or a land which is tax exempt. I am wondering whether these provisions for the 2-year limitation are appropriate or whether they also may not cause difficulties in relation to other national parks in other jurisdictions. As I understand it, there is only one other park in the country today, Grand Teton National Park, where this kind of payment in lieu of taxes is permitted, is authorized. And as one interested in the whole picture of the national park development in the whole country, I am a little fearful of establishing a precedent here which may very logically be picked up by people in other States in demanding similar treatment in their situation, however different it actually may be from that which exists on Cape Cod.

Now, on development policies. Many of the most sincere advocates of the Cape Cod National Seashore Park are disturbed by the emphasis in the field investigation report of 1958 and by the policies of the Park Service in connection with Mission 66 on active recreation and on attraction of large numbers of visitors to the proposed park, as you have already heard today, by the emphasis in the field investigation on active recreation and on the attraction of large numbers of visitors to a proposed park. While these policies may be entirely appropriate to the large national parks of the West, situated at great distances from cities and from established summer resorts, and with scenic features of enormous size, like the Grand Canyon, the small scale of the landscape features and the intimacy of nature on lower Cape Cod are easily destroyed by overdevelopment or overuse. The statement of purposes in section 9 of the proposed act are entirely satisfactory to those who are concerned about these dangers, but they would like to see some safeguards provided at least for public discussion of development plans for specific areas before trees are cut or final decisions taken in Washington. Might not an additional proviso be inserted in paragraph (b) (2) to require reference of proposed development plans to the Advisory Commission (established by sec. 10) with an opportunity for its members to publicize the proposals and make recommendations before action by the Park Service on development projects? At least we might have some publicity and the chance for people to be heard.

As to the Advisory Commission itself, it is composed by the present wording of the bill of six local representatives—one from each town, two from the State, and one from the Nation—giving a 2-to-1

majority to local interests. The towns can force the appointment of their nominees by the simple expedient of making only one nomination from each town. Furthermore, there is no requirement in the bill as to the qualification of nominees to assure against conflict of interests.

If the Advisory Commission is to have a significant role—and I hope it will—it should include at least an equal number of members who have special qualifications to serve because of their knowledge of landscape architecture, planning, biology or ecology, geology, et cetera. The towns should be required to nominate two or three persons from among whom the Secretary could choose.

If the previous suggestion concerning development plans is adopted the statement of duties of the Advisory Commission in paragraph (f) should refer to section 9.

These suggestions are offered, I repeat, to improve the bill. I have tried to be constructive, and to pursue the purposes which I have supposed motivated the authors of this proposal.

EARLY ENACTMENT

In closing I would like to stress the importance of early action by the Congress on this matter. Delay imposes great hardships on innocent people and jeopardizes the full fruition of our hopes. Change is inevitable and is taking place rapidly on the lower cape in public and private efforts to forestall the effects of the park, to kill it, or to make a killing out of real estate both in or near the park. Even those most in favor of the park cannot prevent changes due to illness, death, and changed personal circumstances.

It is patently unfair to put a cloud on a man's property and then do nothing. It is equally unfair to the general public and to the Nation's taxpayers to allow destruction of park values or speculative increases in values through failure to act promptly. Those of us here today who advocate the establishment of the Cape Cod National Seashore Park respectfully ask the subcommittee holding these hearings to report the bill favorably and to push hard for its early enactment in the next session of Congress.

Thank you very much.

Senator Moss. Thank you, Professor Eliot. You have some very positive suggestions, well put, and I am sure the committee will be most interested in considering them. I appreciate very much your appearance here today.

Senator Saltonstall. Mr. Chairman, would it be out of place to ask Professor Eliot a question. Your grandfather is responsible for Arcadia National Park on the island; is he not?

Mr. Eliot. Very much so. I think chiefly; yes.

Representative Keith. I like to ask about relatives, too. Are you related to Prof. Eliot Morrison?

Mr. Eliot. I certainly am and you may have seen an exchange of correspondence we had through the Globe.

Representative Keith. I did not see it. But does he have the same grandparents that you do?

Mr. Eliot. He has the same great-grandparent.

Representative Keith. I do not recall the nature of that correspondence. I do remember the tone. I feel that you fail in some respects

to recognize the problems of the year-round nature of this community and therefore we need to have the emphasis upon the local participation on this Advisory Commission because if they all came from Washington, where we do not have town meetings, they do not even have the right to vote for their elected officials, we would find ourselves with a national park that was incompatible with the interest of Cape Cod.

Senator Moss. I would ask the audience please not to applaud. We are just trying to get information for this committee. We do not want any emotional outburst, either way.

Thank you.

Representative KEITH. My apologies. We are pretty close to home for some of these people. The 10 percent that was incorporated in that bill as a result of very thorough study on the part of the Senators and myself recognized the need of these communities and, by the way, I was chairman of the resources commission that studied zoning and planning and subdivision control in Massachusetts and authored the reorganization of the zoning laws into one chapter so that they could be more easily understood.

But this 10-percent thing recognizes the need for a balanced community and if all of the development were to take place in what little is left of these towns you would not make it as attractive as if it were spread to some extent over the entire section of the cape or the cross section of the cape and finally we are trying to preserve much more than the landscape. We are trying to preserve the character of the community. We hope that the zoning regulations that will be adopted by these towns will result in a development within and without the park that will make it a pleasant place to live on a year-around basis.

Thank you, sir.

Mr. ELIOT. Mr. Chairman, may I respond very briefly?

Senator Moss. Yes, you may, Professor.

Mr. ELIOT. I just want to repeat the emphasis which I tried to place in my previous remarks that I would like to see this 10-percent business settled before the bill passes and the boundaries are established instead of afterward. It seems to me we ought to be able to work out what these towns are going to need immediately and work it out in cooperation with the people who are working on the park plans. Otherwise, there is never going to be a fully integrated and proper development of both the park and the towns. My plea is to make this settled ahead of time instead of putting it in the bill as something hanging over uncertain and not definite.

Senator Moss. Thank you very much, Professor Eliot. I appreciate your appearance.

Senator Moss. Mr. Joshua Nickerson, of Orleans, Mass., is our next witness.

I have a letter here from W. M. Lincoln, the executive board of the Holbrook Sportsmen's Club, Inc., addressed to Senators Kennedy and Saltonstall, stating the members of this organization would like to go on record as favoring the Cape Cod National Shoreline Park bill and requesting you to do everything possible to promote the project.

That will be placed in the record.

(The letter follows:)

THE HOLBROOK SPORTSMEN'S CLUB, INC.,
Holbrook, Mass., December 2, 1959.

Senator JOHN KENNEDY,
Senator LEVERETT SALTONSTALL,
Senate Office Building,
Washington, D.C.

DEAR SENATORS: The members of this organization would like to go on record as favoring the Cape Cod National Seashore Park bill, and request that you do everything possible to promote the project.

Cordially yours,

W. M. LINCOLN,
Executive Board.

Senator Moss. Mr. Nickerson, go right ahead.

STATEMENT OF JOSHUA NICKERSON, ORLEANS, MASS.

Mr. NICKERSON. Before I say what I had intended to say, I would like to congratulate the people in this room, many of whom had the foresight to choose as their ancestors the men who 339 years ago last month signed the compact in the Provincetown Harbor on board the Mayflower which contributed greatly to bringing about the situation which we are enjoying today in the fact that a Senator from Utah is here to hear what we, the little people of Cape Cod, have to say and to protect our interests as a representative of the Federal Government chosen by his people in Utah just as we choose our representatives here to protect the interest of the people. This to me is a very significant example of our democratic principles under a republican form of government.

Senator Moss. Thank you, Mr. Nickerson. You got them both in there so it is fine.

Senator SALTONSTALL. Mr. Chairman, I would just say, Mr. Nickerson, I was hoping you will be able to reverse those words soon, in 1960.

Mr. NICKERSON. May I say, sir, that I chose those words very specifically because democratic forgetting the party label now to me means the system under which the citizens of Athens were governed when the people spoke directly as determined in our town meetings, and government where a republic means the citizens of Rome were governed where they chose the representative and the representative in turn laid down the law. We combined the two. This is a perfect illustration of it. As I want to say again I am so grateful that you people sitting in this room chose the right ancestors that signed the compact in Provincetown.

Senator SALTONSTALL. Mr. Chairman, I say what I said in the opening, we have a conscientious, hard-working chairman that is entirely objective.

Senator Moss. Thank you, Senator.

Mr. NICKERSON. I did not mean to bring politics into it.

Senator Moss. We all agree on the system.

Mr. NICKERSON. My name is Joshua A. Nickerson. I represent nobody but myself, unless I can be said to speak for my people who have lived on this narrow land, loved it, and died on it for more than 300 years.

Approximately five-eighths of the Atlantic Ocean beach front of Cape Cod is already in public ownership. According to "A Pro-

posed National Seashore, Field Investigation Report" prepared by the National Park Service—this one, Senator, which I trust you have seen—published in 1958, more than 14,300 acres of Cape Cod's great outer beach was then already owned by the town, State, and Federal Governments. It should be noted that this does not include the very large acreage of publicly owned beach-front land on the Massachusetts Bay side of Cape Cod, and on the Nantucket Sound (or south) side of Cape Cod, nor any of the vast acreage of State and federally owned inland areas such as Nickerson State Park, Shawne State Forest, and Otis Air Force Base. In spite of the fact that the brochure, entitled "Cape Cod National Seashore, a proposal"—that is the blue one, Senator, published by the National Park Service early in 1959, and paid for by private subsidy, would have you believe that only their proposal stands between protection of our beaches for the future and private exploitation, the National Park Service's own field report, this one, published in 1958 clearly shows that even then more than 14,300 acres of real beach land on the Atlantic front of Cape Cod was then safe from private exploitation. In fact, the only large area of Atlantic Ocean beach, aside from military and security areas, which was not freely open to the public, was Monomoy, which was posted with signs by the Department of the Interior threatening fine or imprisonment, or both, for trespassing. It was on Monomoy Beach, also, that for weeks at a time giant bulldozers worked, under the direction of the Department of the Interior Wild Life Service, to change the natural terrain to create puddles for the breeding of ducks. These, incidentally, proved to be far better breeding ground for mosquitoes than for ducks.

Please bear in mind that substantially all of these 14,300 acres are, in fact, beach lands as distinguished from uplands and that a very large part of the 17,830 additional privately owned acres which the Park Service's field report of 1958 included within its proposed boundaries are not beach land, any more than the land upon which we now are is beachland; but is in fact upland, put here millions of years ago, they say, by glaciers.

Now with special reference to Senate bill S. 2636, the Keith-Saltonstall-Kennedy bill—I hope you do not mind our putting a Congressman first on a Senate bill. After all, he is the closest to the people.

Senator Moss. That is right.

Mr. Nickerson. In the first place, with five-eighths of the ocean front beach in public ownership now, the acquisition of most of the remaining three-eighths presents no insuperable problem for the towns. I believe that the Atlantic Ocean-front beach should be in public ownership; but it would be better and far less costly for the towns to acquire the three-eighths remaining in private hands.

However, of all the legislative proposals so far, this makes the most sense, if there is to be a national seashore on Cape Code. But even it goes much farther than is needed to protect the public interest in some respects, and not far enough in others.

Let us consider first wherein it goes too far.

1. Monomoy does not need to be included. It is already protected from private exploitation. It is not contiguous with the rest of the proposed park area. It is difficult of access. Time enough to include it later, if it becomes desirable to transfer it from the Wildlife Service.

For now, however, I do wish I could go there without risking fine or imprisonment, especially in summer when the hundreds of thousands of waterfowl, which frequent it in winter, are away on their breeding grounds in the North.

2. Morris Island is not "secluded" as stated on page 15 of the field report of the National Park Service. It is an integral part of the town of Chatham and is connected to the mainland by a road. It should account for millions of dollars of tax valuation in the future for the support of the town. It should not be included in the park.

3. With the exception of Monomoy and Morris Island, I believe the boundaries proposed for Chatham, Orleans, and Provincetown are reasonable. Except for four islands just inside the beach, all but one of which are uninhabited, practically all of the proposed park lands in these three towns are in fact beach.

4. But in the towns of Eastham, Wellfleet, and Truro we find a very different situation. In this area the proposed boundaries would include far more than half of all the upland there is. Thousands of acres which are better suited for private use for residential purposes, and are not, in fact, beach at all, would be lost to those towns forever. In these towns, the amount of upland to be taken should be sharply reduced. The objective of preserving the Atlantic Ocean beaches of Cape Cod, unspoiled, for our own and future generations would be accomplished by reserving in Eastham, Wellfleet, and the southerly part of Truro a strip along the ocean front, varying in depth from one-fourth mile to a mile or so, depending upon the nature of the terrain. Certainly it is not necessary to return more than half of all the upland there is in these three towns to a prehistoric wilderness of scrub, brush, and brambles, such as it may have been when it was first seen by the Vikings nearly a thousand years ago, in order to save the beach itself from private exploitation. Nor will the people who come to visit the proposed park be likely to have much interest in areas other than the true beach and the immediately adjoining upland, from which the beach and the ocean are in clear view. Incidentally, if it reverts to a natural state, neither the beach nor the ocean will be in view from any point except the very rim of the area.

5. The provision in the bill for the recovery for private residential use of 10 percent of the private land within the park is adequate for Provincetown, Orleans, and Chatham (if Morris Island is excluded). But in the other three towns where most of the proposed park area is not beach, but upland, the percentage of recoverable residential area should be increased to at least 20 percent, even after sharply reducing the total area to be taken in these three towns, if more than a relatively narrow strip along the ocean is taken.

Now let us consider wherein S. 2636 does not go far enough. Section 10 of the bill establishes a Cape Cod National Seashore Park Advisory Commission. But the Commission has no power. As a safeguard against bureaucratic abuses, the Commission should have some power. The bill should spell out areas in which the Secretary could act only with the advice and consent of the Commission. Mere consultation gives no safeguard in spite of the confidence expressed by the sponsors of the bill in the officials of the Interior Department. The history of the executive department of the Federal Government—notice I am not referring to the Congress—the executive department

of the Federal Government in dealing with the lands of minorities scarcely justifies such confidence. We, who are direct descendants of the Pilgrim Fathers, and who have lived on this land continuously since they first settled here, should not be required to yield it up to the Department of the Interior without the protection of being allowed to give, through our representatives, both advice and consent to the essential features of its future use and development.

The presence here today of your committee exemplified the basic philosophy upon which the liberty of the people of this country depends. I beg you to extend this basic principle of free government of a free people to include in this bill, if you report favorably upon it, provisions for our consent to the acts of the executive department, as well as for our advice.

Thank you very much, sir.

Senator Moss. Thank you, Mr. Nickerson. You have some very positive ideas and they will be of great help to us in studying this problem. I appreciate very much your appearance.

Senator Moss. Mr. Maurice Moore, of Eastham, is the next witness. He will be followed by Mr. Harry Taylor, of North Eastham.

This is Mr. Maurice Moore.

STATEMENT OF MAURICE MOORE, EASTHAM, MASS.

Mr. Moore. I am from Eastham, a painting contractor and wallpaper shop operator.

Incidentally, as I was typing up my 15 copies of the views on this thing I was thinking that probably that was the best way to smother the opposition that could happen.

These are my views in opposition to the proposed Cape Cod National Seashore.

In an article in the Saturday Evening Post of 1954 entitled "24 Million Acres of Trouble" it is stated that Mr. Conrad Wirth, Director of National Parks, found nothing on the Atlantic seaboard to compare with the Cape Hatteras area for a new national recreation area. That area has been acquired and still the insane land-grabbing attempts continue.

He states in the article that he is so short of money to run the park that the present parks are literally going to the dogs. He says he needs $60 million a year or the next 10 years to save the parks. "Save," he insists is not too strong. "Yellowstone," he said, "will be literally destroyed if things keep on as they are going. We ought to at least keep what we've got, and we're not doing it. All we can do is put a patch on patch and that's bad business, whether it's a national park or a private home."

"Some of the camping grounds are so crowded," he says, "that they amount to outdoor slums. Last year the attendance hit 46 million people. In 1953 we had $34 million to run the park system. What we're trying to do just can't be done."

Park appropriation figures for 1956 show $48,866,300, for 1957, $68 million and for 1958, $44 million. If these figures are the true amounts available for maintaining the parks they show an average of $60 million for these years and are what Mr. Wirth says he needs but they leave nothing for acquiring or maintaining any more parks.

We all know the Government is tremendously in debt, with a crushing tax burden on the people, and it would seem that cold commonsense would dictate that no more money be spent in acquiring parks, especially if the Park Service is unable to properly take care of those it already has. In addition to this there are nine parks so little known that they are hardly used at all right now.

Further, in view of Mr. Wirth's statement that the camping grounds are in danger of becoming outdoor slums, it could easily mean the Cape Cod park could be the worst slum of them all. By far, the huge majority of people who visit Cape Cod (and they only come in large amounts during the 2 summer months) come to use the beaches. They would undoubtedly put pressure on their legislators to vastly increase the amount of camping areas. This could easily result in the purported conservation becoming a secondary factor and the cape a worse place than this bill's sponsors think it would become under home rule.

The amount of land to be taken from Eastham amounts to over one-third of its area, and the loss of this huge amount of the town would not only reduce a historic old town to insignificance but would be a severe blow to its economy. Massachusetts Representatives Boland and O'Neil, who sponsored the original bills for this park, drew up their boundaries from the park report. When they personally surveyed the area, they expressed amazement at the size of the proposed taking and thought it was much too severe.

Messrs. Saltonstall, Kennedy, and Keith, our own area representatives, apparently thought it wasn't enough of a steal, so they added approximately 200 more acres to be taken from Eastham, and all this took place when we had been led to believe that their bill would be more considerate than the prior ones.

The loss of tax revenue under Senate bill 2636 would be reimbursed for 3 years only as opposed to 20 years under the original bills. This reimbursement should be at least for 20 years and a perpetual reimbursement would be not unreasonable.

Under this bill the right of eminent domain is suspended indefinitely in some cases, providing zoning favorable to the Secretary is kept in effect. Let us not forget, however, that laws can be changed in the future as witness the solemn treaties given to the Indians, one of which was very recently violated with the Senecas in Pennsylvania because the Army Engineers wanted to build a dam which would flood a large part of their reservation. In view of these repeated violations of obligations, the time could come when the safeguards contained in this bill might be wiped out, as far as this area is concerned.

In a December 5 article in the Boston Globe, Senator Saltonstall was quoted as saying there is far too much Federal interference in State and local affairs and something should be done to check it. Is this doubletalk on Mr. Saltonstall's part? I submit this proposed park is certainly a prime example of Government interference in local affairs of this section of Cape Cod.

In addition to that, if I might, I would like to say that since this area is within the range of 50 million people, do we want 50 million people tramping all over this place down here, and furthermore, if you are going to have a park with all those people tramping all over it, you can't have conservation, if you are going to have a lot attending.

Senator Moss. Thank you very much, Mr. Moore, for your statement. I think there is no question where you stand.

Representative KEITH. Because, Mr. Chairman, Mr. Moore, both in correspondence and today has given an impression which I think may be misleading, I would like to clarify his comments a little bit.

I might say that the chairman suggested as we drove over here that we should perhaps start with a clarifying statement concerning the rather detailed provisions of the bill. I told him that I felt that would be time consuming, but there are those of you who still perhaps do not understand some of the rather technical aspects of the bill and I would like to point out with reference to the taxation feature: Do not think if you continue to live in your home and have title to it that you will not pay taxes. You will, and the town will be the recipient of it. If you sell your home to the park and therefore the park does not require the town's services, which the tenant would have required, there is no longer any income to the town after the 3 years have expired, so that is a very remarkable little caution that they are providing within that bill.

The observation concerning the adding of 280 acres should not stand alone because at the same time we provided 10 percent of the total to revert to the town. Ten percent of 3,500 is 350 acres. If we took away 280 and gave you back 350, it gives a plus of 70 acres. I do not know if you are following me on this, but the net result of the Saltonstall-Kennedy-Keith approach was to leave more acreage in the town than was available before.

Finally, in his letters to the paper he has indicated that the landowner could not continue to live within the park. That is not so. If the town of Eastham passes reasonable zoning regulations, the people can live in this seashore area as long as they desire and they can sell the property to whomever they wish or they may leave it to their heirs. This must be understood in order to think fairly of those who filed this bill for you. That is why I wanted to make it a point to clear it up at this time.

Thank you, sir.

Senator Moss. Thank you, Mr. Keith.

This is Mr. Harry Taylor of North Eastham.

You may proceed.

STATEMENT OF HARRY TAYLOR, NORTH EASTHAM, MASS.

Mr. TAYLOR. Mr. Chairman, Senator Saltonstall, Congressman Keith, gentlemen, as to my qualifications to comment on the above-mentioned park plan and proposed legislation, I am a licensed professional engineer and land surveyor (New York, No. 17295); have had close associations with Eastham for 55 years, and have had 30 year of pertinent experience at the executive level under Commissioner Robert Moses of New York before retiring here. My family has owned land in Eastham for about 50 years.

While the above experience by no means makes me a second Robert Moses, it has been unusual and invaluable. A summary of my education and experience is attached. It includes experience with seashore parks such as Jones Beach, Gilgo Beach, a plan for Fire Island, all on Long Island, N.Y. They are near more heavily settled areas, noted by Senator Kennedy in his remarks to Congress, as contrasted with the usual national park areas in "unsettled wildernesses or forest areas."

Let me clarify my position. I feel that the great outer beach should be preserved with substantial areas back of it where the unique or scenic values so justify its preservation. A park at some governmental level is the best vehicle. A national park could do it better because of available funds beyond our State level if it was designed in the best interests of residents and taxpayers of the affected towns as well as the establishment of a thoroughly adequate park. I think your bill is basically good and a great improvement over former bills. I think it would be better if some further protections were written in to insure that the obvious good intent should be clear and a mandate to the National Park Service. To be specific:

1. The park area need not include all land that qualifies to be adequate. In Eastham from the Wellfleet line to Nauset Road, and I treat with this instead of Wellfleet and the other areas because they can talk with better understanding of their own areas—there is a broad area mostly flat of scrub oak and pine—excellent for development but of questionable value after a substantial area nearest the shore were taken. I suggest the taking line be changed to run three-fourths of a mile back from present shore between the Wellfleet line and Cable Road; thence along Cable Road to and along Nauset Road till it interesects Salt Pond Road near Salt Pond; thence along Salt Pond to and along Route 6 to land of the town of Eastham at the townhall. Thence around the town land to its south boundary extended easterly to the taking along Salt Pond Bay as outlined in the bill. It is my feeling that the taking along the Nauset Marsh to the Orleans line should more closely follow the shoreline as the present line does more damage than the benefit to the park would warrant.

The line suggested would permit more trails, and so forth, than the park could use and would permit a residential buffer (practically a must in proper zoning) between the park and the railroad and commercial zone. It would also eliminate a pocket of some 40 existing homes between Nauset Road and Salt Pond Road, an area of little use to the park with so many people already living there, as well as being expensive. It would add a gore of vacant land, not now in your description, zoned for business between the present line and the townhall along Route 6—a bad oversight from a park standpoint. Part of the land around the townhall could be swapped to the town for a badly needed extension of its civic center.

2. Section 2(e) the words "and may be" should be eliminated after Secretary and the words "from local appraisers" added to the end of the paragraph. This is the paragraph where the Secretary gets appraisal advice. There is no reason the Secretary should not have the competent advice required in a condemnation court or the owners protected from an ill-advised appraisal from some one inexperienced in this area.

3. Section 4(c) : This section poses no restriction on the Secretary as he need only withhold his use permit in order to condemn commercial or industrial property. It also imposes an unreasonable provision on the owner who must apply for permission to continue before he knows whether his property will be included in the park or whether the park will be established by the Secretary. It would make more sense to suspend the Secretary's right to condemn for a period of 6 months after he gives written notice of his intention to do so.

4. Section 4(d) : After the first sentence add :

The term "improved property" shall also include such properties improved after September 1, 1959, but before the enactment of this Act as the Secretary may in his discretion approve upon written application of the owner.

This is, of course, if you do not go ahead and raise the date of the time of the adoption of the act.

The term "improved property" shall also apply to properties improved after the enactment of this act provided the requirements of section 4(b)(2) are met and the owner serves notice in writing to the Secretary of his intentions to so improve the property 4 months in advance.

In conjunction with this change section 6(a) should be rewritten to include the regulations specifying standards or at the very least change the words "as soon as practical" to "within 3 months" plus a requirement that he disclose his requirements by February 1, 1960. This is in regard to his zoning requirements. The town people have a right to know in time to comment. The sponsors of this bill may also be interested as the protections set up by sections 4 and 5 could easily be nullified by unreasonable or capricious requirements.

The above changes would accomplish the following: (*a*) Give the Secretary discretionary power to make agreements with owners who built after September 1, 1959, under section 4(a), probably to the benefit of both the Government and owner. This power now seems to be lacking.

(*b*) Protect owners after enactment of the act from holding stagnated land, unsalable but with taxes, for the 25 years or more referred to in section 8(d). Section 8 had nothing to do with this but it shows there was contemplated a period of more than possibly 25 years in acquiring the park.

The Government will be protected, however, because the Secretary will have notice in time to take a future option, make an agreement under section 4(a) or purchase or condemn the vacant land.

(*c*) It would remove a substantial part of the opposition to the park.

5. Section 8(a) provides for between 2 and 3 years of payments in lieu of taxes lost by the towns for land taken in fee simple. This is grossly inadequate and in sharp contrast to the 20-year provisions of other bills. I have assembled a large amount of data bearing on the impact of the park, particularly on the all-year residents. Since you will receive one economic survey today and two more are to come, I have not tried to fully develop the data, but it is obvious the impact will be hard on a group not too well constituted to absorb. Consider that there are a large percentage of retired people, a large percentage work out of town, the pay scale is comparatively low. A new regional high school will cause a heavy tax rise without the park impact. Fixed retired income is not resilient to added costs. I know that because I am retired. Out-of-town workers will absorb increased service jobs created by the park in town but will not increase the earnings they now bring in. Low wage scale is no help. On top of this the building industry, which has the biggest group of intown workers, needs time for long-haul construction to broaden the tax base to ease the impact. I suggest 5 years of full in lieu of taxes plus 20 years of straight-line reduction as a base. This can be shifted up or down later if the economic surveys prove it out of line. In regard to this I am not entirely sure that the economic surveys show the impact

of all the taxes of the people in this area, although I will say I think they have perhaps shown the raise that will come from the park, possibly good, possibly not. We will see from the other two surveys. I think it is good. However, this school tax alone of $85,000 has savings of $35,000 from spendings in other years so that the increase is about $50,000. Now, every thousand increase in taxes requires about a 10-percent raise in the tax base. That means that the present $40 tax might increase to $50. The park area has in it around 16 percent. When this 16 percent is again tossed back that again puts the rise on the total amount absorbed by the rest of the town unless you have the in-lieu taxes. Let me draw your attention to the fact that 65 percent of the people in this town have incomes of less, in the county have incomes of less than $3,000 a year. This would make them eligible for public housing in New York. Eighty-five percent are under $4,500 so that is why the effect could be very hard on this kind of group. The effect is small on the Federal Government. If it is not much they won't pay much. If it is heavy then at least you could afford to stand it better than the people on Cape Cod. You will know more about it when you get your other two surveys.

6. Section 8(b): This section apparently leaves the residents tax free in improved properties which are bargained for by the Secretary under section 4(a) as it appears State law would not allow the town to collect under even a conditional Federal title. The simple way to resolve it would be for the Secretary to pay in lieu of taxes and reflect it in the bargain with the owner. It is important to the town as improved properties carry the higher assessment. Rather than to overhaul the State law it would be simpler to remove the word "no" from the first line and the word "ever" from the fourth line.

7. Section 9 poises a dagger right at the heart of the Cape Cod economy. Whether a large percentage of the people can afford to stay in these affected towns depends largely on the amount of generated additional business and development on remaining privately owned land. Both of these depend directly on the recreational opportunities. Unless these recreational opportunities are kept in full supply as at present the business and development will decrease rather than increase. To understand this you must realize that this area now receives over 90 percent of its revenue from the summer trade and the building generated by it. The former widespread commercial fishing, clamming, and fishing is gone. Clams—quahaugs—are planted in Salt Pond for "summer people" to dig, a popular recreation. Fishing is now a charter boat trade dependent on "summer people" for hire. It could be greatly improved and increased by proper harbor development on the oceanside as part of the park development. The Army's Sandmaster, or other similar dredge, could do marvels in Nauset Harbor and Nauset Bay as it did at Fire Island Inlet a couple of years ago on Long Island. At the same time sadly needed refuge harbors would be provided. We have not a refuge harbor at Provincetown until you hit the entrance at Chatham and that is not a good entrance, really. This recreation need not be incompatible with proper conservation, as section 9 seems to suggest. Let's make this one park where the mandate is "to preserve the way of life which these people have established and maintained on the cape," to quote a section of the preamble referred to by the Honorable Mr. Biddle and his col-

leagues. Let us give Mr. Biddle and the others who will remain living in the park the protection they want against objectionable activities close to their homes. We can have the active recreation we need, particularly swimming, boating, hunting, and fishing without crowding those who live in the park. It is 40 miles long. Let's also set such tent colonies as we must have in separate areas with their own beach areas so they will not crowd our tenants and summer-home owners. Eastham now uses two ocean swimming beaches, Nauset Light with high cliffs and Coast Guard station with low dunes. Park plans show only Nauset Light area for swimming. Not only is this a decrease in use but the high cliff is a strain on older people. Let's have both. National Park Service will still have over 90 percent to conserve to its heart's content. They are a dedicated group with plenty of experience in conservation because this has been their major business. They will do a good job of this without a mandate. They are a little light on experience on intensive active recreation such as will be encountered on Cape Cod since they will have their first area of real heavy demand, even with experience at Hatteras, Arcadia, etc. Let's, therefore, put the mandate on the recreation and protection of park residents and not give excuses to slight it or duck it. To return to section 9, while I am apprehensive of paragraph (a) especially the last part, I am not sufficiently familiar with the acts referred to, to comment. However, paragraph (b) (1) I can understand and get my teeth into. The first part gives the mandate for the recreation we need—it could be stronger but it is there. The second part takes it away with a stronger mandate to conserve and preserve something of secondary importance despite the dressing up in the wording. Let's look at the record—the National Park Service field report of 1958. As to the "unique flora," I quote:

> The flora of Cape Cod, then, consists of three elements, northern and southern relics and the central matrix. On the lower cape even the central element is depauperate in variety of species when compared with the upper cape or the mainland.

I further quote:

> South of Cape Cod, Fire Island, and the New Jersey pine barrens have an even richer relic flora.

On this score the park is in the wrong place. Fire Island also has miles of beautiful ocean beach. Now let's take the fauna. According to the book it is mainly deer, rabbits, fox, several kinds of mice, and some shrews. The deer are hunted but the report shows they are increasing. Conservationists expert on this item know that at certain levels of numbers in any certain area it is beneficial to have controlled hunting. It appears the State is doing a swell job. Maybe they should keep control of this and ducks as the towns do shellfishing under your bill. Foxes and rabbits are not intensively hunted here as in some places. Besides, the foxes eat the tern's eggs, creating a side conservation problem on terns. God knows the rabbits can take care of their own reproduction without help from the National Park Service. Next, who hunts mice or shrews, some of which are poisonous, incidentally. Certainly the other forms of recreation pose no problem to conservation of fauna.

As to the physiographic conditions now existing, none of the recreations endanger these unless serious fires result from camping. We will concede that they restrict or eliminate camping which certainly was not recommended by the Cape Codders. These fires are a real hazard. The winds are high and they carry fast. The report notes that in 1927, 2,500 acres were burned in Wellfleet and Truro. The real changes will come from the winds and storms along the ocean front where we still lose 3 to 5 feet a year. Any manmade damage is so insignificant it is negligible. Hence to pin down the intent of this bill and remove unnecessary temptation to overzealous preservation I suggest the following changes:

In paragraph (b)(1) put a period after the word "wilderness" and eliminate the rest of the paragraph. I think the Secretary will have in existing laws all he needs to go ahead. I just want to eliminate a mandate that they conserve every inch of this park and slight the recreational uses which are going to mean our bread and butter.

In section 9(c) eliminate the last sentence which also overrides the hunting mandate of paragraph (b)(1). We do not ask to eliminate existing bird refuges or even preclude new ones. We do wish to preserve adequate hunting areas, certainly including Nauset Marsh in Eastham and the Pleasant Bay area. The field report glowingly confirms that we are up to our ears in birds already. It notes that Nauset and Pleasant Bay are favorite hunting spots but further notes the take is small and in no way endangers the bird population. Let's insure this right to enjoy our "way of life" by changing section 9(d) by substituting "shall" for "may" in the first line and the word "reasonable" for "such" and also eliminates "as" in the fourth line.

8. The advisory commission created under section 10 is very important—it's the last voice of the people. It is too important to risk becoming a handpicked group by this or any future Secretary. I don't know whether he would try to or not but the temptation should not be there. The six members from the towns should be appointed by the selectmen directly and the Governor should appoint his own two. The chairmen should be elected by themselves. They should be able to call for consultations as well as the Secretary. They should advise on administration as well as development on all sections of the bill, not just 4, 5, and 6.

Now we wish to call to your attention that in the selectmen's talk they went on record as advising that recreation comes second and it would appear that my statement would be inconsistent with their advice. This, however, is not really so. Let's examine what you have in the way of recreation as stated in the bill, camping, horseback riding, swimming, boating, sailing, hunting, and fishing.

Now as to the hunting you only have 1 week of deer hunting, a few people have a huge area. And incidentally, the National Park Service representatives told me before, they intend to eliminate this. The only one that could cover any greater existing area and the one I am sure the selectmen are really afraid of is the camping or tenting. Now in my own report I have recommended that this be kept down. I also recommended that it be given certain spots. I recognize there are going to be some people that might not be able to come here and afford to come unless they had a tent colony. But these people are not a tremendous group. If they are so placed that they would not inter-

fere with the swimming that is set up for the people who have been coming here for years and years, plus additional other people who will hire cottages, stay here a considerable time, then they will not be crowding those beaches and they will not be doing so much harm. I think there will be some camping and some tenting, no matter what anybody says. There has been everything else. I think it should be kept in reason.

And in 9, this recommendation—I say there should be an added section against competing with local accommodations and services. Preference should be granted locally on concessions where feasible and possible. Such benefits of this park ought to be collected here. They need it more than others.

Now I wish to comment on one thing. I am not exactly experienced in matters of these things. In fact my experience has been in practice. It has not been on any long-haired planning or theory basis.

There is no reason to penalize this town and the other towns here because in lieu of taxes are not a general part of national park bills. Maybe they should be. If it is not very much, then the Government is not going to feel it. Where it is needed, however, it should be given. I think it should be here so that if the impact is hard the people will have it. The impact isn't here, you are not going to pay very much anyway.

As to this zoning, everybody is sneering at that. In Eastham here I tell you they have a very good zoning law. You can see that this town is not overridden with bad signs or with a lot of honky-tonk stuff.

I object to any thousand-foot setback as an invasion of our home rules to be administered by the Secretary. This is really reaching out and I doubt you would have any right to impose that right to one man outside to come in and tell you whether you could cut a tree on your land or not. It would have the effect, if he prohibited cutting all the trees in that area of keeping people from building on their own land. I don't think that this would stand up under any zoning and certainly should not be in a law.

I particularly object to this advisory committee being outnumbered. After all, it is only an advisory committee. It cannot tell the Secretary what to do. It can only advise him and the only way that the Secretary would be restrained is the possibility that he would be going against advice that might be made public and carry some weight. At least they should have the right to give a voice if they disagree with the Secretary in the future. I think possibly they will be a great help because there would be a lot of experience reflected in the six members from the local towns, at least, as to how this area could be developed so as to make it a good park and still a good town and one that would not injure the people too much.

Thank you for your kind indulgence.

Senator Moss. Thank you, Mr. Taylor. You obviously have given this a great deal of thought and very careful analysis and you have presented us a very thoughtful statement. We appreciate it very much.

Senator Saltonstall has a word.

Senator Saltonstall. Mr. Chairman, because of an engagement made long ago in Boston I have to leave. As one of the proponents of

the bill I just want to thank you for your courtesy and helpfulness in these hearings here in Massachusetts.

I know you are going to conduct some further ones down in Washington either in January or February. I certainly hope that these meetings have been helpful to you today. I thank you for the courtesy of allowing me to sit with you.

Senator Moss. Thank you very much, Senator Saltonstall. It has been my privilege to have you sit with me on this panel.

The next witness will be Mr. Ross Moffett of Provincetown. Mrs. Walter Chrysler will follow him.

Is Mr. Moffett here?

I do not see Mr. Moffett. Perhaps Mrs. Chrysler could come forward and give her statement. If Mr. Moffett is here, he should get in touch with the staff director so we will not overlook him.

Is Mrs. Chrysler here?

Maybe they got a little tired. I think what we will do is take a 10-minute break at this time. We will come back very promptly and go on with the hearing.

If either Mr. Moffett or Mrs. Chrysler is here they should get in touch with the staff director in the interim. We will start with them or with Mr. Duarte.

We will take a 10-minute recess.

Senator Moss. Ladies and gentlemen, if you will come to order we will resume our hearing.

I want to call John Worthington who is the chairman of the board of selectmen of Truro, Mass. and then Antone Duarte to follow him.

Mr. Worthington, come forward, please.

Mr. Worthington.

STATEMENT OF JOHN WORTHINGTON, CHAIRMAN, BOARD OF SELECTMEN, TRURO, MASS.

Mr. Worthington. Senator Moss, my name is John Worthington, chairman of the Board of Selectmen of Truro and manager of a fishing business.

Such a vast proposal as a national park affects so many people and in so many ways that a unanimous and unified opinion is impossible. I will, therefore, state my views which I find are in accord with those of many of my townspeople.

I am for a national park. I have been observing the changes occurring in Truro for the past half century. Throughout most of that period, Truro managed to maintain its character and charm. More recently, particularly since the advent of the bulldozer and the new highways to the cape, the rate of change has accelerated. The communities find themselves unable to check the destruction of many of the essentials that make this peninsula so unique. When the report, "Our Vanishing Shoreline" appeared, I felt that here at last was a means proposed by which the real cape could be preserved.

The complexities of placing a park in such a highly developed area immediately became apparent. The original proposals seemed to present obstacles too great for some of the towns affected to overcome and survive. The idea of the park proposals to remove the homes in the area met with considerable disfavor because these homes

have a history dating back nearly 300 years, and represent a culture and way of life which is unique and a truly significant part of the charm of the cape.

As the boundaries included some 70 percent of the land area of Truro, the town was seriously concerned with the loss of tax revenue.

Approximately 80 percent of Truro's governmental income is from taxes on real estate. It was difficult to see how the town government, as presently operated, could survive. A large segment of the all-year-round income in Truro is derived from the building trades and services. If the area left for expansion were too limited, the economy of the town would be seriously affected through curtailment of the building trades income.

The town government would also be seriously affected, as the taxes on the annual increase in new construction more or less equal the increases in the cost of government resulting in what is now a fairly stable tax rate. Another alarming prospect was that the town would be pretty much at the mercy of disinterested bureaucrats who might ignore the peculiar aspects of cape life.

These objections that I have just outlined have received special attention by the authors of bill S. 2636. The proposed occupancy and ownership of the buildings within the boundaries, provided adequate zoning acceptable to the Secretary of the Interior is in force, is a remarkably sound approach to solving the major problems that would affect Truro and its inhabitants by the installation of the park. It offers the individual property owner a high degree of security and recovers for the town itself a great part of the tax loss threatened by the original proposals. Furthermore, it provides a means of indefinitely preserving the local culture and way of life with no fear of being uprooted as long as acceptable zoning is maintained.

The maintenance of the present homes in the area and the possibility of an additional 10 percent of the area taken from private sources being released for future construction give the town a far better chance to expand.

The provision that this bill makes for the participation of local people in the affairs of the park is another very satisfying idea to a community such as Truro that may be nearly completely surrounded by an operation callous to local problems.

The 70 percent or so of Truro land within the proposed boundaries provides approximately 36 percent of the real estate tax obtainable by the town. The tax on the buildings within the boundaries amounts to 24 percent of the total real estate taxes. These buildings are grouped more or less in four relatively confined areas. The remainder of the area is largely wilderness, as is indicated by the fact that it produces only about 12 percent of the town's real estate taxes. Even though the entire area were acquired within a few years, the in lieu tax provision will go far toward preserving the integrity of the town's tax structure.

This bill does what it sets out to do; it creates a large seashore area and preserves it as a heritage for the enjoyment of this and future generations without appreciably disrupting the lives of those living in and about the park.

Senator Moss. Thank you very much, Mr. Worthington. I appreciate your statement.

50801—60——10

Mr. Duarte, chairman of the planning board of Truro, is our next witness. Mr. Kenneth Wilson will then follow.

Mr. DUARTE. Gentlemen, I have some maps here that I would like you to refer to while I am going on.[1]

Senator Moss. All right.

Mr. DUARTE. I am going to speak on changes of boundaries.

Senator Moss. Proceed, Mr. Duarte.

STATEMENT OF ANTONE DUARTE, JR., CHAIRMAN, PLANNING BOARD, TRURO, MASS.

Mr. DUARTE. Chairman Moss, Representative Keith, and members of the committee, my name is Antone Duarte, Jr. I live in the town of Truro, Mass., and am here to represent the town of Truro proposed National Seashore Committee which is made up of the town of Truro selectment and the Truro planning board.

The committee was authorized by a vote of the special town meeting in the town of Truro in June of 1959.

I would like to begin by giving you a brief background of how this proposed national seashore has affected the lives of the residents of Truro and how Truro people are thinking.

In the spring of 1956 the National Park Service people invited the selectmen and members of the planning board of the six towns on the cape involved to a closed meeting in the neighboring town of Orleans. At this meeting the Regional Director of the National Park Service stated that in 1954–55 a survey was made from the Gulf of Mexico along the Atlantic coast to the Canadian border. The result of this was that three potential locations were considered as sites for national park area, one of which was the outer beach of Cape Cod.

Director Tobin explained the many reasons why Cape Cod was by far the best possibility for the establishment of a national seashore park, citing its wonderful beaches, its historical significance, flora and fauna, and so forth.

Many questions were asked of him as to probable boundaries to which he frankly replied he didn't know but when pressed he thought there might be a quarter of a mile from the high water mark of the back shore. He explained that another survey concentrating on the Cape Cod area was contemplated, at the completion of which all questions could be answered as to boundaries, hunting and fishing, construction of buildings and roads, and other problems. Most of us left the meeting with a feeling that while we were not too favorably impressed with the idea of a park we hoped that it would not affect the economic life of Truro to any extent. In the latter part of 1958 the second survey was completed. During the period that this survey was being made, several attempts, usually through letters to our Congressmen, were made to obtain information as to what areas and what boundaries were being considered, but we were told that, as this survey was being financed by private funds, no information regarding it could be obtained.

[1] The maps referred to have been filed with the committee.

At no time was our board of selectmen or the planning board consulted or contacted. In January 1959 the National Park Service came out with their brochure, "Cape Cod National Seashore, a Proposal." Much to our amazement, we in Truro discovered in studying the maps in the brochure that the proposed boundaries included over 75 percent of the available land in Truro.

The National Park Service, not satisfied with the excellent recreational features of the Back Shore beaches, proposed a large area stretching from the Atlantic Ocean to Cape Cod Bay, explaining that they needed this area for the flora and fauna, geological moraines, alluvial deposits and other physiographic features. Recreation in Truro was immediate, active and vocal in opposition to the proposed boundaries.

On January 7, 1959 there was introduced in the 1st session of the 86th Congress bill H.R. 1050 by Representative Philbin of Massachusetts and on the same date bill H.R. 49 by Representative Boland of Massachusetts. Later, on January 21, bill H.R. 3050 was introduced by Representative O'Neill, also of Massachusetts. These three bills were similar in authorizing the Secretary of the Interior to take not more than 30,000 acres of Cape Cod land for a national park in the case of the first two mentioned bills. The third bill merely stated that the Secretary could take what amount he deemed suitable for a park.

Probably because of the introduction of these bills in Congress the National Park Service people made arrangements and set dates for public hearings to explain and to discuss the reasons and thinking of the National Park people relative to this proposal as outlined in their brochure.

In the same town hall, on March 23, the National Park Service people presented their case. They sent their top and best officials. At the question and answer period of the program emotions ran high, tempers flared, and harsh words were uttered. Some of the answers were vague, some were evasive, and one or two seemed contradictory. The net result of this meeting was to leave the people of Truro more confused and more unhappy. The meeting in Chatham the next evening was about the same but on a smaller scale.

Shortly after these meetings, as the National Park Service had promised, the Regional Director of the Park Service with some of his staff conferred with our board of selectmen and planning board relative to the proposed boundaries. We suggested that they take a half mile strip along the Atlantic Ocean leaving out a few town-owned beaches or public landings which were thickly settled. We emphasized that there was considerable opposition in Truro to the boundaries as they had proposed.

The Director and his staff made no commitment to our suggestion of a change in boundaries but they undoubtedly made a notation of it.

Within the next few weeks a petition was circulated in the town of Truro under the statement that the signers were in opposition to the proposed boundaries and the taking of business, summer homes and year-around dwellings. Three hundred and twenty-five voters and taxpayers signed this petition. Copies of the petition were sent to Senator Kennedy, Senator Saltonstall, and Representative Keith. Following is the wording of this petition:

We, the undersigned, taxpayers, and voters of the town of Truro, are opposed to the proposed national seashore in its present form. We are in favor of a national park, if it is established on undeveloped beaches and wooded areas, but we are very much against the taking of places of business, summer and year-round homes and valuable land.

During all this time the Truro Board of Selectmen endeavored to maintain a more or less neutral position but there was considerable agitation in the town for the calling of a special town meeting to discuss the Cape Cod National Seashore situation and to ascertain the position of the voters and the possible effect it might have on the economy of the town.

At a meeting of the selectmen and the planning board it was decided to conduct a poll or referendum by mailing a questionnaire to all the voters and taxpayers of the town. On June 2 such a letter was mailed. In this letter was enclosed a map showing five different areas that could be considered possible boundaries including the area proposed by the National Park Service.

Enclosed also was a sheet explaining the areas and instructions to return the enclosed postal. Notice was made that there would be a special town meeting June 24 to analyze the results of the questionnaire and to discuss the national park situation pro and con.

At the special town meeting of June 24 an analysis of the returns of the questionnaire showed that of 1,140 questionnaires mailed 680 or 60 percent were returned. Of this 680 only 138 or 20 percent were in favor of the area as laid out by the national park people which would indicate that 80 percent were against the proposed boundaries. Along with the returned questionnaire many people wrote letters stating that they thought the area as proposed was too large. A copy of postcard, letter and map is presented as an exhibit.[1]

Senator Moss. That will be made part of the record.

(The exhibit follows:)

TOWN OF TRURO,
OFFICE OF BOARD OF SELECTMEN,
June 2, 1959.

To the People of Truro:

The enclosed map of Truro and questionnaire have been prepared by the selectmen and the planning board to enable the voters and property owners in Truro to enlighten the selectmen as to the collective views the people of Truro take to the national park proposal.

Each addressee is urged to complete the questions and return the enclosed post card to the selectmen. Answers must be in their hands by June 16, 1959, to be included in the tabulation.

A special town meeting is being planned for June 24, 1959, at which results of th questionnaire will be discussed and possible action taken by the town in relation to the proposed national park.

On the enclosed map the area proposed by the National Park Service is laid out as area 1.

Area 2 is the same as area 1 except excluding from park the built-up areas at the Highlands, Highland Road, Long Nook and Higgins Hollow, North and South Pamet, and Ryder Beach area.

Area 3 to include everything between route 6 and the Atlantic Ocean that lies north of Coast Guard road from the ocean to King's Highway to head of the Meadow Road to route 6. Also including the entire ocean beach from the Coast Guard Road to the Wellfleet line, between the foot of the bluff and the ocean.

Area 4 same as area 3 but to include also a strip from the ocean to the bay, bounded on the south by the Truro-Wellfleet line and on the north by a line running approximately east and west that includes in the park area Fox Bot-

[1] The map referred to is in the committee files.

tom, Featherbed Swamp, Great Pond, Lombards Hollow, thence parallel to Truro-Wellfleet line from the junction of Lombards Hollow and Old County Road to Cape Cod Bay.

Area 5. No national park in Truro.

These various areas conform more or less to discussions which have been brought to our attention. If you favor a national seashore area in Truro, please indicate the area most closely conforming to your choice.

JOHN C. WORTHINGTON,
IRVING A. HORTON,
JOHN R. DYER, Jr.

QUESTIONNAIRE TO BE RETURNED TO THE BOARD OF SELECTMEN, TRURO, MASS.

1. I favor a national seashore area in Truro and the area nearest to resembling my choice is:

Area No. 1 _____, 2 _____, 3 _____, 4 _____

2. No national seashore area in Truro 5 _____

3. My property is included in area No. _____

4. I am a property owner and voter _____, property owner and non-voter _____, voter, but own no property _____

Mr. DUARTE. At the special town meeting it was urged that the planning board draft a zoning bylaw to present to the voters at the next town meeting. The planning board has a proposed zoning bylaw ready for the voters' decision. Prior to this any zoning suggestion has met with considerable opposition, but a threat of a national park caused a considerable number of people to change their thinking on zoning. At this meeting the selectmen plus the planning board were appointed as a park committee to continue study and to keep posted on the situation.

Two resolutions were passed, one expressing opposition to the Senate bill 2010, the Neuberger bill, so-called, the other resolution expressed opposition to the present proposal of the National Park Service. Some time after the meeting the park committee met and drafted a letter incorporating all the above information as to the analysis, the complete wording of the two resolutions, and the establishment of a park committee. This letter was sent to our Senators and Representative, to the Secretary of the Interior, Director of the National Park Service, and others. A copy of this letter follows. This happens to be a copy of the one we sent to Representative Keith.

Senator Moss. That will be in the record.

(The letter follows:)

TOWN OF TRURO, MASS., *August 6, 1959.*

Hon. HASTINGS KEITH,
House Office Building,
Washington, D.C.

DEAR MR. KEITH: Early in June the selectmen of Truro sent out a questionnaire to property owners and taxpayers of the town as an attempt to obtain some sort of record of the reactions of the townspeople to the proposed national park on Cape Cod. A copy of this questionnaire and of the postcard upon which returns were made is enclosed.

The analysis the selectmen made of the returns is as follows:

One thousand one hundred and forty questionnaires were mailed to property owners and/or voters; 680 or 60 percent were returned; 138 or 20 percent favored area 1; 148 or 22 percent favored area 2; 86 or 12 percent favored area 3; 44 or 6 percent favored area 4; 60 percent favored some park area; 277 or 40 percent favored no park 5; 289 or 42½ percent own property in park; 121 or 17.8 percent stated property to be outside park area; 170 or 25 percent own property in area and advocated park; 109 or 16 percent own property in area and advocated no park.

At a subsequent town meeting the national park proposal was discussed pro and con. Two resolutions were proposed and passed:

1. *Resolved*, That this meeting go on record at being opposed to Senate bill No. 2010 and its companion House bill 7407 on the grounds that they are too broad, grant too excessive authority to the Secretary of the Interior, and provide no safeguard for public and private rights. (Hand count: 64 ayes, no noes.)

2. *Resolved*, That the meeting is opposed to the present proposal of the National Park Service for the establishment of a national seashore on Cape Cod and to House of Representatives bills introduced by Congressmen O'Neil and Boland of Massachusetts. (Hand count: 50 ayes, 30 noes.)

The meeting also voted: That a committee composed of the selectmen and the planning board be appointed a national park committee.

Sincerely yours,

JOHN R. DYER, Jr.,
Chairman, Board of Selectmen.

Mr. DUARTE. I have taken considerable time in presenting this background, but I feel that it is very essential that your committee has a complete picture of Truro's situation, the thinking and opposition of the voters and taxpayers and the various methods the authorities of Truro have taken to keep abreast of the problems that will arise when and if a national park of such magnitude is established.

Our Senators and Representatives have been in close touch with the Cape Cod National Seashore as proposed. They promised us that they would sponsor, draft, and introduce in Congress a bill that would protect our rights as far as such a bill could do so. This they have done in Senate bill S. 2636 and the companion House bill H.R. 9050 which we call the Saltonstall-Kennedy-Keith bill. This is by far better than any other bill introduced in Congress to date on the subject. We appreciate their efforts in our behalf. Naturally, we were disappointed that the boundaries as proposed were not greatly reduced. Undoubtedly the sponsors felt that any change in boundaries would be the problem of each individual town.

It is the opinion of this speaker and of the group that he represents that the present Senae bill 2636, and H.R. 9050 are substantially the same as the proposal of the National Park Service for the establishment of a National Seashore of Cape Cod, since it, as far as the town of Truro is concerned, follows exactly the same boundary lines within the town of Trura. In order to meet with the approval of the majority of the town of Truro, there must be some definite boundary changes.

The present boundaries as specified in the bill now under consideration will include homes and other buildings of 283 property owners. The total value of the buildings in this proposed area is $3,421,800. This figure and all values following are based upon values of the Cleminshaw Co. of Ohio, an appraisal company hired by the town of Truro to reappraise all buildings within the town of Truro in 1956. Buildings erected and altered since that date have been figured according to their formula by the assessors of the town of Truro.

Within the proposed area in the town of Truro are 9,875 acres. Of these approximately 1,100 are now State-owned. Let us assume that 775 acres are town-owned, federally owned or otherwise owned and may be donated. This leaves 8,000 acres to be eventually purchased by the U.S. Government. The present average value of this land is $700 per acre, making a total of $5,600,000 needed to purchase land in the town of Truro. The amount needed to purchase land and buildings will be $9,021,800. That deals with the present plan as proposed in the bill.

Senator Moss. Yes.

Mr. DUARTE. I now would like to present a revised area within the town of Truro which I offer as an alternate area and which is described as follows.

I don't think I will have to read the description.

Senator Moss. No, that will be printed.

Mr. DUARTE. That will be printed as is?

Senator Moss. I have the plat before me.

Mr. DUARTE. That is correct. That is the pink area that you have before you. These are numbered on the map. I will give you a brief description of these areas, the summary, the number of buildings, the property owners involved, the value of the buildings, the number of acres in each area and the value of this land.

The value of this land may seem high but you must remember that these areas are all fronting on high value streets, and that would make them much higher than the general average of the land in our area.

Area No. 1, that is an area two-tenths of a mile wide between location 2 miles from Provincetown-Truro line and the south Highland Road along the east side of Route 6. That takes it to the area proposed by the park where they would allow us two-tenths of a mile along the highway there anyway.

There are eight owners of buildings in that area, one with a total value of $402,000. That area comprises approximately 190 acres of land worth $1,000 an acre, making $190,000 worth of land, total value in the area 1 of $592,000.

The second area is an area described briefly as an area 300 feet wide on both sides of Highland Road, from Route 6 all the way to Coast Guard Road and then it follows Coast Guard Road to the top of the bank and also it follows Highland Road to the top of the embankment and the lighthouse. There are 49 owners of buildings in that area with a total value of $646,000. It comprises 300 acres of land at $1,000 an acre, making a total value of area 2 of $946,000.

Area 3 is an area 300 feet wide on either side of Longnook Road from Route 6 again to the top of the bank at the oceanside. It includes a section of Higgins Hollow. There are 29 owners of buildings in that area, three with a total value of $328,000. There are 190 acres of land worth approximately $1,200 an acre, the total of $227,000 making the total value of area 3 to be $55,000.

Area 4 on the map comprises Pamet River Valley. It starts at Route 6 and includes an area 300 feet on the north side of North Pamet to 300 feet to the south side of South Pamet Road. That also goes from Route 6 to the top of the bank at the ocean.

There are 72 owners in that area with a total value of buildings of $915,000. There are 480 acres of land, 200 acres of which is upland with approximately $2,000 an acre for $400,000 and 280 acres of fresh marshland worth approximately $100 an acre, $28,000. Total value of that area 4 is $1,344,000.

Area 5 includes the complete area west of Route 6, everything west of Route 6. It is designated in the original plan. There are 47 owners of buildings valued at $515,000 in that area, 2,250 acres of land worth approximately $300 an acre, for $675,000, making a total value of area 5, $1,190,000.

To summarize these five areas, the total value of the buildings, $2,806,000, total value of the land, $2,335,000, or total of land and buildings, $5,141,000.

That amount, of course, is what would be left out of the proposed park if these new boundary lines were followed.

I think the summary will give us some idea as a recapitulation of the whole thing.

The total land area of the proposed park in the town of Truro is 9,875 acres. This comprises an area equal to approximately 75 percent of the town of Truro.

The total land area of the revised park plan as herein contained is 6,465 acres. This comprises an area equal to approximately 50 percent of the town of Truro.

Within the proposed park are buildings with a market value of approximately $3½ million.

Within the revised park plan are buildings with a market value of approximately only $750,000.

The value of the land within the proposed park area is approximately $5½ million.

The value of the land within the revised plan is approximately $3 million.

The proposed park plan would include approximately 35 percent of the taxable property in the town of Truro.

The revised plan would include approximately 10 percent of the taxable property in the town of Truro.

The cost, to the U.S. Government, of purchasing the property within the proposed park in the town of Truro would be at least $9 million.

The cost of purchasing the property within the revised plan in the town of Truro would be approximately $4 million.

Considering the above facts and figures, the residents of the town of Truro urge your committee to recommend a revised boundary plan as here suggested. The residents of the town of Truro feel that Senate bill 2636, or some similar bill, may be for the best interest of all the people of the United States of America. We are willing to share our land and our way of life with those of other parts of this great country. We are, however, very reluctant to give up 75 percent of our town. So you can see by omitting 25 percent of our land you can save the Federal Government $5 million.

Senator Moss. That is a very excellent presentation and it is very concrete in that you have prepared these proposals in detail.

We have the large maps. Your proposal would, however, leave areas that run through the park down to the seashore that would remain privately owned.

Mr. DUARTE. That is right.

Senator Moss. I see.

Mr. DUARTE. I would like to add that I realize that this breaks continuity of the park, but from what I can gather the continuity of the park will be broken even at every one of those points anyway, since the town owns the road leading in there plus a beach at every one of these points.

Senator Moss. I think your point is rather well made. It is contemplated that the people will be permitted to continue to live in these buildings anyway and to that extent it will not be exclusively park. It will have an area of private residential ownership anyway.

Thank you very much. Do you have a question, Congressman?

Mr. BIDDLE. May I ask the witness through you two or three questions?

Senator Moss. I think you could. I think Congressman Keith had a question first, and then I will permit that, Mr. Biddle.

Representative KEITH. I appreciate very much your interest in this and I have known of it for a long time, and I am very sympathetic to your objectives. I think that your problem is not quite as great as is evidenced by this study.

Under our bill we provide that if the town passes reasonable zoning legislation this property of which you are speaking can continue to stay on the tax rolls and that a homeowner may continue to own up to 3 acres on which he would pay taxes. So I have totaled the owners of buildings, multiplied it by two, to determine the amount of acreage that would be involved. That gives us a total of 408 acres each owner having 2. That would mean 204 owners in your computations or total acreage worth $816,000 without any revision in the plan that could remain on the tax rolls of the town. Then I totaled the value of the buildings and it came out $2,860,000 as the value of the buildings. In other words, about $3,600,000 could stay in the town under the present proposal without any complications. You would still have the 10 percent of the total acreage to take and set up if you chose. For example, the area No. 5, to make it larger and to develop within that a community of itself closer to the town, take advantage of its natural resources.

The point I want to make is that I think we who work so hard on this bill in Washington to accomplish the objectives of the townspeople have left substantial avenues of approach to just exactly what you want.

It is not quite as easily discerned as you have it here but in fact you still could have $3,600,000 remain on the tax rolls and have your 750 acres elsewhere if you chose.

Mr. DUARTE. Thank you for that quick recapitulation, Representative Keith. There are still a couple of points that are not too clear to me regarding this. One is our 10 percent business. I agree wholeheartedly with Professor Eliot that we ought to clear that 10 percent up before the bill is passed.

The bill provides that that 10 percent will be determined by a town meeting in the same way that we talk of zoning as if all we do is go up before 500 voters and present a certain scale of voting and that is it.

I am sure that you have had experience with town meetings such as I have. I have been moderator and selectman and through the whole course. You don't tell 400 or 500 people that they have got to do anything and get away with it too often.

We are presupposing that the voters are going to vote the type of zoning that the Secretary of the Interior is going to ask us to propose to them and that is all there is to it. I think it will be almost impossible to find a group of voters in town meeting saying that we will let this area become the park that is to be developed. Those things, they

sound good in theory, and we certainly appreciate the thought that has been put into them and we can see that you are working for us along those lines. I present my plan in case some other Members of Congress feel that maybe we better decide a few things before the bill is passed.

Thank you, gentlemen.

Representative KEITH. I would like to make one more observation, if I could, sir.

I think Mr. Duarte has put his finger on the real problem that confronts me as a Congressman. If the towns down here do not enact the zoning laws that the Secretary will consider reasonable, then these homeowners which he has listed here would find that the provisions that Conrad Wirth talked about back in March could prevail.

He said here in Eastham and in Chatham that the Secretary of the Interior did not exercise his power to seize property by condemnation except where the homeowner was abusing his property or contributing to a nuisance in the area. But we did not take him at his word. We wanted this in the bill. Now should we in these towns enact zoning? If we do not we go back to the proposition that Conrad Wirth mentioned here in town that we have to rely on the Park Service. The next alternative, and I hope we can work it out, is to get something on the bill for the homeowner who will cooperate with the Secretary so that an agreement can be reached between the individual homeowner and the Secretary in those areas where there is not reasonable zoning.

That is the thing I mentioned in my introductory remarks which I hope we can incorporate in the bill.

Senator Moss. Mr. Biddle, you had a question you would like to submit.

Mr. BIDDLE. I had two or three very brief ones. You have a figure of $9 million for the total valuation of what was planned to be taken under this bill, did you not?

Mr. DUARTE. That is right, in the town of Truro.

Mr. BIDDLE. Do you remember the corresponding valuation which Mr. Conrad Wirth gave from his Truro land? The total of the whole thing was, I think, $16 million. How much did he value the Truro land would be under his plan?

Mr. DUARTE. I wouldn't know. I do know they gave a value of $15 million for the land in the whole area.

Mr. BIDDLE. You know there was very much less than $9 million, don't you?

Mr. DUARTE. That is right. I agree with that.

Mr. BIDDLE. You study these individual estimates over a long period, do you not?

Mr. DUARTE. I certainly did.

Mr. BIDDLE. Over a period of perhaps 6 months.

Mr. DUARTE. Yes.

Mr. BIDDLE. That is not a spot check. It is an actual estimate, isn't it?

Mr. DUARTE. Yes.

Mr. BIDDLE. Let me ask you a question that does not deal with figures somewhat and that is this: Do you know, speaking for yourself and for the people of Truro whether or not they would prefer

a smaller park with uses more confined to the ocean and less spread over the uplands with camping, picnicking, and other similar areas? Do you have your personal views, yourself, and secondly, what do you think your people would like?

Mr. DUARTE. My personal opinion would be that the people of Truro, if given an opportunity to outline and propose their own park, would be a park with a certain narrow area along the back shore and probably they would feel better if this area were taken completely and put to a conservation use, rather than recreation use and leave out the other areas completely.

That is what I would think the people of Truro would want.

Mr. BIDDLE. You said there was a vote against the Neuberger bill. Was there not also a vote against Senator Murray's bill which was endorsed by some 13 or more Senators?

Mr. DUARTE. There was a vote against both bills.

Mr. BIDDLE. Against both?

Mr. DUARTE. Yes.

Mr. BIDDLE. Didn't you say the feeling on the cape against those two bills expressing our—expressing a power of the Secretary to take without congressional approval specific parks is very much opposed to the wishes of this end of the cape. Is that a fair statement?

Mr. DUARTE. That is correct.

Mr. BIDDLE. I think it is fair, gentlemen, to say since all these other bills are still pending in the hopper it is important to show that we think this is a very much better bill for many reasons than the other bill.

Mr. DUARTE. We agree to that. We have that as part of our statement. We think this is a fine bill compared with all the others.

Senator MOSS. Thank you very much, Mr. Duarte, for an excellent statement.

Mr. DUARTE. Thank you very much. It has been a pleasure to come before you.

Senator MOSS. Our next witness is Mr. Kenneth Wilson, counsel for the Barnstable County Commission.

You may proceed, sir.

STATEMENT OF KENNETH WILSON, COUNSEL, BARNSTABLE COUNTY COMMISSION

Mr. WILSON. Mr. Chairman, Congressman Keith, my name is Kenneth Wilson. I am counsel for the County Commissioners of Barnstable County. I have been requested by all of the county commissioners to appear at the hearing being held in Eastham to speak on this proposed bill on their behalf and express their opinions and suggestions.

The county commissioners are of the opinion that the legislation proposed by Senators Saltonstall and Kennedy and by Congressman Keith for the creation of Cape Cod Seashore Park with certain reservations or amendments merits the support of the Board of County Commissioners of Barnstable County. The commissioners have studied the provisions of the proposed legislation and are of the opinion that within its framework there is incorporated due consideration to the interests, present and future, of the general public,

property owners and the towns to be affected by the enactment of the bill, subject to the following suggested changes. These are as follows:

1. It is the opinion of the county commissioners that the proposed area should be reduced in size, otherwise there will be serious hardships placed upon the towns involved. This applies to the town of Chatham, to the elimination of Morris Island from the area of the proposed park. In the town of Eastham the commissioners believe that the area extends too far westerly from the ocean front, and in the towns of Wellfleet and Truro, the areas proposed, particularly with respect to uplands, contain far too much land which from an economic and practical viewpoint should be left for private use subject to proper zoning regulations.

2. It is noted that under subsection (d) of section 4 there is to be left in the case of "improved property" to an individual owner a minimum of 3 acres. While the act provides that this be a minimum and of course a larger area can be allowed in private ownership, we feel that this minimum should be increased to at least 4 acres in area for the purpose not only of privacy but also of greater and better enjoyment by a property owner.

3. The county commissioners note that the proposed legislation by creation of an advisory commission recognize local interests to an extent which has heretofore not been recognized by previously filed bills. It is noted that under subsection (b) of section 5 the "advisory commission" is to ratify actions of towns with respect to designations of areas of unimproved lands not to be included in condemnation proceedings. This we believe to be wise and are wholly in agreement with this provision.

We make an additional suggestion insofar as the issuance of permits within the park for commercial or industrial use is concerned. Under subsection (g) of section 10 it is noted that such permits cannot be issued by the secretary "without the advice of the Commission." In order to give the advisory commission more authority in this respect it is suggested that such permits be granted by the secretary "with the advice and approval of the Commission."

Senator Moss. Thank you very much, Mr. Wilson. We appreciate your statement.

Senator Moss. We have Mr. Joseph F. Donovan, a representative of the Council of Sportsmen's Clubs.

STATEMENT OF JOSEPH F. DONOVAN, COUNCIL OF SPORTSMEN'S CLUBS

Mr. Donovan. Senator Moss, Congressman Keith, I am Joseph F. Donovan, Council of Sportsmen's Clubs, in Massachusetts, their legislative agent.

We have not taken any particular stand on this 2636 for one simple reason, that we feel as though the people of the cape who are so near to the area should be the ones that would be given the privilege of knowing whether they want it or not.

Our organization is over 50,000. We represent 11 counties, which is one of Barnstable County and the two inland counties, also Plymouth, which comes within the jurisdiction of this territory. Those mean

some of them are landowners in this area that are affiliated with our club and we feel as though they can take care of their business down here on the cape without outsiders coming in and telling them what to do.

When this first bill came out we were highly against it because of the fact it did not include hunting, only of migratory birds. We were highly opposed to that. With this new bill coming out, 2636, it included hunting, which we have the privilege of enjoying in the cape now and under this bill if it is your decision that you want this beach area park we will have under that.

I can remember this cape—60 years ago I lived in Hyannis, when we had to take a day to go from Hyannis to Barnstable in a carryall. It was a day's trip which you can make now in 10 minutes. Some of them can make it over and back in 10 minutes.

But I say I just roll along at a moderate speed and find out I wasn't doing any harm to anybody.

Now, there is one thing that possibly I would call to the attention of your committee and that is, on section 9(2)(d), where the Secretary may permit hunting and fishing. We feel as though that latter is rather elastic. We feel as though a word a little more binding, if it is your pleasure, should replace it.

The rest of the paragraph concerns the office of the Commonwealth and political subdivisions, their jurisdiction over hunting, which we are in favor of because of the fact we think we have a pretty good setup in Massachusetts and we are pretty satisfied with ourselves out here on what we have.

Of course, we in Massachusetts do not have the bigger areas that you fellows have out in the West and it is surprising to see what the men that we have in our offices do with so little and satisfy so many because we are pretty densely populated as a State. But the only thing that we can say is that if the people of Barnstable and the people of the cape here want this park, they are the ones that will make the decision and we hope that we will always enjoy the same privileges that we have had down on the cape, which I have had for 60-odd years, find out the people in the cape are a pretty nice crowd of people.

Senator Moss. I can testify to that.

Mr. Donovan. I used to do business with Congressman Keith up at the statehouse when he was a very able representative of the people as a senator. I was glad to see him again because I do not get to Washington very often.

In closing, I wish you gentlemen a very happy holiday season.

Senator Moss. Thank you, Mr. Donovan. I appreciate your statement.

Representative Keith. May I thank him, too, for very nice remarks?

Senator Moss. Yes, sir. I appreciate that, Mr. Donovan.

Mr. Donovan. Thank you, gentlemen.

Senator Moss. Now we will hear Mr. Adrian Murphy.

You may proceed, Mr. Murphy.

STATEMENT OF ADRIAN MURPHY, TRURO, MASS., ON BEHALF OF HIS WIFE, CATHERINE LAUREL MURPHY, AND HIMSELF

Mr. MURPHY. My name is Adrian Murphy. I speak on behalf of my wife, Catherine Laurel Murphy, and myself as individuals. We are residents of Truro.

I appreciate this opportunity to comment on S. 2636.

Our first comment concerns section 12 of the act. The keystone of S. 2636, as distinguished from the National Park Service proposal, is the commendable objective of protecting homes within the park boundary. This protection, however, is contingent on local zoning under threat of Federal condemnation. It would seem constitutionally doubtful that the Federal Government would be allowed to specify and enforce local zoning laws indirectly in the open exercise of duress, when it is forbidden to do so directly. Of doubtful constitutionality, also, is the fact that each property owner's continuing enjoyment of his holdings would lie in permanent jeopardy, ex post facto, from future local zoning action.

Since the very keystone of the act may be legally vulnerable, section 12 should be amended to provide that, if any provision of the act intended to protect enjoyment of private property be held invalid with respect to any person or circumstance, the entire act be held invalid.

My next comment concerns section 6.

It is impossible to assess the actual protection to property rights unless the Secretary of the Interior specify, prior to enactment, the detailed zoning standards within the park area which will be acceptable to him. The Secretary should also specify prior to enactment the detailed standards he will use in permitting existing and new businesses to operate within the park area.

My next comment deals with what we consider to be significant omissions in the act. S. 2636 will create a large number of private islands, as small as 3 acres or even less, scattered over a sea of Federal land. The towns will zone these little islands and collect real estate taxes on them. But the number of people surrounding these bits of private property will run into the tens of thousands when the park is established. Such unprecedented numbers will bring a great increase in crime, misdemeanor, nuisance, invasion of privacy, fire hazard, litter, road maintenance problems, sanitation problems, and overcrowding of beach and parking facilities.

How will a homeowner within the park area protect his rights? I should assume by first determining whether a violator was standing on town land or on park land at the time of the violation and then filing a complaint with the indicated authority. If he complains to the National Park Service he can expect to receive the standard regret that Congress has not appropriated sufficient funds to take adequate care of the Cape Cod Park, along with the 25 million other acres throughout the country for which the National Park Service is also responsible. If he complains to the town he faces the very same people who can disenfranchise him by merely changing the zoning classification of his land and thereby invoking the Secretary of Interior's power to condemn it.

It takes no imagination to foresee that a homeowner within the park area, or on its edge as our property appears to be, may well find himself in an intolerable situation.

And the current residents of Truro, both inside and outside the park area, should continue to have access to the ocean. Yet unless the National Park Service has an assured flow of funds to keep facilities in step with the demand, current residents may be deprived of the beaches because of inadequate parking space.

The act should clearly specify the placement of responsibilities and should guarantee adequate annual funds in perpetuity to discharge them properly—on a standard at least as high as the towns themselves have maintained in the past.

My final comment concerns a partial quote from the letters of Mr. William E. Wenneman to Senators Kennedy and Saltonstall and Congressman Keith:

> To leave Route 6 outside the park is to ignore the source of the disease. Indeed, to nationalize the area between the ocean and (but not including) Route 6, and (without imposing nationally approved zoning) leave it to the property owners along Route 6 and over tto Cape Cod Bay to provide room and board for the horde of park visitors that would be drawn to the cape is to invite more neon signs of even more horrifying design, more gaudy motels and eateries, more souvenir shops selling more atrocities that never should have been created.
>
> Under such conditions it would not take long to destroy completely the area outside the park from Route 6 to the bay. You would destroy by hastening what you are attempting to arrest.

My wife and I emphatically urge that the entire town of Truro, from ocean to bay, be placed under the direct control and protection of the Federal Government, with, of course, proper consideration for private property rights throughout the area.

If such ocean-to-bay taking is not feasible, we respectfully beg Congress to forestall the impending destruction of Truro by limiting the park area to the beaches and necessary access areas.

Thank you very much for this opportunity.

Senator Moss. Thank you, Mr. Murphy. We appreciate your statement.

Senator Moss. We are going to recess at this point.

I want to make an announcement or two.

If you intend to appear and your name is not read, you should see Mr. Callaghan right away after we recess.

We want to, of course, hear everyone who wants to appear. We do have a time schedule to follow and we will have to know in advance if you expect to appear tomorrow.

I have listed to appear for tomorrow: Mr. Francis Biddle, Charles E. Frazier, Jr., Elizabeth E. Freeman, A. I. Henderson, Prof. Serge Chermayeff, Warner Lieb, Dr. J. Madelane Winslow, Louis DiPaolo, Dr. Henry Renouf, Miss Virginia Morrissey.

Those are the only ones I have listed.

We will begin our hearings at 9 o'clock in this room in the morning and we will try to conclude at noontime. We will run straight on until we do conclude with our hearings.

I want to say just a word to commend the people who have appeared today and especially you people who have stayed here and listened so attentively all afternoon. It certainly indicates your interest and your devotion to finding a solution to this problem.

I am, as I said at the outset, not here as a proponent of the bill nor an opponent of the bill. I am simply here to gather information to be presented to the committee of the Senate which has the responsibility for studying the matter.

At one of the recesses, one citizen felt called upon to say that she was against me, apparently on the basis that she thought I was here to oppose the bill. I do not do that at all. I am trying to find the answer or get the facts so that the committee can find the right answer.

I am sure your Congressman, who is here, and Senator Saltonstall, who was here most of the hearing, feel the same way. I understand Senator Kennedy will be with us in the morning, and I know that your other representatives are anxious to find the solution which will give the greatest amount of freedom and individuality to the citizens and will be the best thing for the community.

I think that the people who have appeared have done an excellent job of addressing themselves to the issues presented. We have widely varying points of view. Some are very much opposed and some are strongly in favor of the bill and all degrees in between, and that is the American way and that is what we are trying to get all laid out before us so that we can find the area that suits the greatest number and will be to the greatest good.

I thank you very much. We will resume at 9 o'clock in the morning.

(Whereupon, at 5:15 p.m., December 9, 1959, the subcommittee adjourned to reconvene at 9 a.m., December 10, 1959.)

CAPE COD NATIONAL SEASHORE PARK

THURSDAY, DECEMBER 10, 1959

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS OF THE
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Eastham, Mass.

The subcommittee met at 9 a.m., in the townhall pursuant to adjournment, Senator Frank E. Moss (chairman of the subcommittee) presiding.

Also present: Representative Hastings Keith and Richard Callaghan, staff director.

Senator Moss. Ladies and gentlemen, we will reconvene our hearing.

I have received two letters this morning which I want to include in the record at this point.

One is signed by Margaret P. Welch, legislative information chairman, the Garden Club Federation of Massachusetts. It is in support of the bill which is here under consideration.

(The letter follows:)

THE GARDEN CLUB FEDERATION OF MASSACHUSETTS,
Boston, Mass., December 7, 1959.

Senator FRANK E. MOSS.

DEAR MR. MOSS: In accordance with the resolution passed by the executive board of the Garden Club Federation of Massachusetts, Inc., at its meeting April 1, 1959, the executive board again goes on record as favoring the intent and purposes of the bill sponsored by Senators Kennedy and Saltonstall to create a Cape Cod National Park.

Sincerely yours,

MARGARET P. WELCH
Mrs. E. S. Welch,
Legislative Information Chairman.

Senator Moss. I have also received a letter from Rt. Rev. Robert M. Hatch, D.D., bishop of western Massachusetts. His communication also supports S. 2636.

(The letter follows:)

DIOCESE OF WESTERN MASSACHUSETTS,
Springfield, Mass., December 7, 1959.

Senator FRANK E. MOSS,
Chairman, Public Lands Subcommittee of the Senate on Interior and Insular Affairs,
Eastham Town Hall, Eastham, Mass.

DEAR SENATOR MOSS: I am writing to appeal for your support of S. 2636 which has been proposed by Senator Kennedy and Senator Saltonstall, and which has also been proposed in the House by Representative Hastings Keith, to set aside the Cape Cod National Seashore Park for conservation and recreational purposes. I understand that this is the first major area proposed for such purposes by the National Park Service, and that it comprises approximately 30,000 acres. Since Cape Cod is within 1 day's drive of about 50 million people

and since its beauty can only be preserved through such legislation, I hope greatly that this bill will be enacted. The Cape Cod National Seashore Park, as set up in the provisions of the bill, would provide a matchless recreational area for future generations of Americans. It would also preserve the interesting forms of marine and bird life that now exist there and that could easily be destroyed by the commercialization of the area. This bill is designed to serve the spiritual as well as the recreational needs of all our people, not only in this generation but in those to come, and it would insure the preservation of the beauty of that section of the cape indefinitely. I hope very much indeed that this forward-looking legislation will be enacted.

Sincerely,

Rt. Rev. Robert M. Hatch, D.D.
Bishop of Western Massachusetts.

Senator Moss. I also have a statement which I wish to place in the record. This is a statement by Robert L. R. Place, of Harwich Center, Mass., concerning S. 2636 which is now before us. This statement discusses certain aspects of the proposed park and particularly deals with the hazards of boating and swimming in the surf in this area.

(The statement follows:)

Statement by Robert L. R. Place of Harwich Center, Mass.

My name is Robert L. R. Place and I am a reporter for the Cape Cod Standard Times, covering much of the area under discussion under S. 2636.

It has occurred to me as I have listened to the testimony of the various witnesses that one very important aspect of this national park proposal, from a recreational standpoint, has been overlooked.

This aspect is the extremely dangerous conditions which exist along the entire outer beach for both swimming and boating.

There are very few days, even during the hottest period of summer, when this water is warm enough to be enjoyed for swimming by any but those who are used to daily contact with it. The surf and undertow are extremely hazardous, and the only safe time to swim, particularly for children, is at low tide.

And as for using the area for boating—those of us familiar with the beach know its terrible record of lost lives and lost vessels. It has been said that if all the vessels which have been lost off this coast since the wrecking of the *Sparrow Hawk* in 1626 were lined up bow to stern they would stretch from Race Point in Provincetown to Chatham.

Less than a year ago the cape was shocked at a tragedy which took the lives of three men who made their living from the sea. Their 90-foot fishing boat was driven aground on the bars only a few hundred feet off the beach at Camp Wellfleet. Although the men were within about 150 feet of the shore, with Coast Guard personnel standing helplessly by on the shore, when they abandoned their vessel they drowned in spite of the fact that they were wearing lifejackets. Four members of the crew were saved. Two were pulled unconscious from the surf by the coastguardsmen.

This is just one of the latest incidents of this type which have occurred along the entire stretch of this beach. Will making this beach into a national park bring renown to the cape as a recreation area or will it become known as an area of mounting swimming and boating deaths?

Senator Moss. Last night I received a telegram from Senator Kennedy, whom we expected here this morning. This telegram reads:

Dear Frank: Regret very much that I am unable to come to Eastham to join you in taking testimony Thursday from Massachusetts citizens on proposed Cape Cod National Seashire Park bill which Senator Saltonstall, Congressman Keith, and I have jointly introduced. Shall study the record which is made at these hearings very closely and know that they will contribute significantly to the legislative process. I look forward to joining personally in the further hearings which will be held on this bill next year.

Am confident that from these hearings we can move on to make real progress on this legislation during the coming months.

Am delighted that you have given your time and interest to these hearings and look forward to working with members of your subcommittee and with my Massachusetts colleagues in improving and enacting this legislation in the coming session of Congress.

With every good wish.

JOHN KENNEDY.

We are sorry that Senator Kennedy's schedule does not permit him to be here today.

I am very pleased that Congressman Keith has been able to continue on the panel here at this hearing. Senator Saltonstall, as you know, was here yesterday for nearly all of the hearing, but has had to return to Boston and will not be with us today.

We will proceed today in much the manner that we followed yesterday. I will call the witnesses and try to give an indication one witness ahead as to who is to be next up so we can expedite our time.

It is our intention to continue this session right straight through today as long as necessary to accommodate the people who are to appear.

A good practice is to introduce a statement where a prepared statement has been made and then for the witness to highlight or summarize the statement. That was done by many of the witnesses yesterday and done very effectively.

Our first witness this morning is one of your citizens and neighbors whom I am sure you all know and who is well known throughout the United States, a man with a very distinguished career, former Attorney General of the United States, the Honorable Francis Biddle.

STATEMENT OF HON. FRANCIS BIDDLE, WELLFLEET, MASS.

Mr. BIDDLE. Senator Moss, Congressman Keith, I am Francis Biddle. I live about half the year at Wellfleet and half the year in Washington. I have lived here for about 11 years. We have a house with about 25 acres on Bound Brook Island, which is on the bay side about 3 miles out of Wellfleet.

It is a very old house. It was owned by the Bakers, a famous family here. Commodore Baker was born there, who founded United Fruit and all the local people know him. Like so many properties in Wellfleet that have been approved, it consists of 3 or 4 comparatively small houses, a barn done for the grandchildren, and stable done for a workshop and so on. I have a very nice garden and some fruit. I am very fond of the place. If I sound prejudiced, you will know the reason.

Now, before coming to the bill itself, let me say that I, together with the selectmen of Truro, Mr. Frazier, chairman of the selectmen of Wellfleet, spent a long morning, most of the day, with the representatives of Senator Kennedy, Senator Saltonstall, before the bill was drafted and told them our point of view and that point of view has been somewhat modified but it is substantially the same. I will come to it presently.

Let me say that I think the two Senators and Mr. Martin and Mr. Holborn, their very able Representatives, have done a beautiful job. I have never seen a bill in the first draft as carefully thought out and imaginatively thought out. It is much the best bill touching the cape

and you know there has been a series of at least 3 other different types of bills which is yet to be introduced.

Before again coming to the particular portion of the bill that I would like to dwell on, let me say just a word about public opinion.

New Englanders and particularly we think Cape Codders, are great individualists so there are as many opinions as you wish to look for.

I talked to a great many meetings during the summer, and I have some feeling, I think, about public opinion, and I would hesitate to venture too many generalities, but I think we can say on the whole most of the citizens, particularly the towns I speak for, Truro and Wellfleet, are convinced, whether enthusiastically or somewhat skeptically, that a bill is inevitable and are in favor of a park bill.

It is very easy to be in favor of a park bill, stop. The real question is what kind of a bill do you want? As to that, there are differences of opinion. But I think I can also say, and I think most of the witnesses yesterday carried out what I am going to say, and that is that those who live here and have studied this situation believe that the bill should be restricted, whether by restriction in use or in territory or in some other matter is a question that your subcommittee and the general committee will study when the time comes.

I think I would like to divide my testimony into two parts in opening, and by the way, before going on I am going to hand up the statement that was released to the press a little while ago signed by all of the persons who were at the meeting I spoke of except Mr. Worthington, who had some differences of opinion. In other words, signed by the selectmen of both these towns, or some of them, and the others.

Senator Moss. That will be made part of the record at this point.

Mr. Biddle. Thank you, Senator.

(The statement follows:)

Joint Press Release of the Towns of Truro and Wellfleet, Mass.

The undersigned, representatives of the towns of Truro and Wellfleet, before the new Cape Cod Park bill was introduced, conferred at length with representatives of Senators Saltonstall and Kennedy, at their request, in order to discuss the provisions that such a bill should contain. Briefly stated our position was that the park should be located chiefly on the ocean side of Route 6, with appropriate accesses to the beaches; that bird sanctuaries should be established on the other side of Route 6 in the large swamps; that houses in Truro and Wellfleet should not be taken (as contemplated by previous bills); that, since these two townships had to expand in order to live, real estate development and building should be permitted as long as it was properly regulated by building restrictions and zoning laws; that the loss of taxes to the towns from land taken by the Government should be compensated by the Government; and particularly that the uses to which the park will be put should be limited so as to preserve portions of Cape Cod in their present wild condition, avoiding reservations for camping and picnicking, which would invite crowds of tourists to swarm over the dunes and upland.

The new Saltonstall-Kennedy bill recognizes and applies these general formulas. It introduces a novel and admirable principle—which may well be made basic to future park legislation—by allowing owners of improved land to keep their houses "during all times" when approved zoning bylaws are in effect, and by suspending the right of the Secretary of the Interior to condemn their properties. The bill provides for a percentage of the park land to be set aside for development for houses, subject to approved zoning; and creates an advisory commission of nine, or which six are to be appointed by the selectmen of the six towns involved, with whom the Secretary is directed to consult with respect to matters relating to the Cape Cod Park.

The Saltonstall-Kennedy bill, also supported by Representative Keith and other Massachusetts Representatives, is a great improvement over former Cape Cod Park bills; and for the first time represents a genuine effort, devoid of politics, to protect the interests of the people who live in the affected areas, as well as to open the cape to the public at large for recreational purposes. We believe that the objectives of the bill are on the whole fair and wise.

But we cannot agree with the application in the bill of certain of these objectives:

(1) The land which goes with any house retained by the owner, as long as the approved zoning regulations are in force, may be limited by the Secretary to 3 acres. Under this formula the owners of 3 acres or less would be fully protected in the enjoyment of all their property. But others have bought more land to go with their house, in order to exclude objectionable use of the land near their house, to obtain water frontage, or simply because they like undeveloped land near them which they can enjoy and use. Limited to 3 acres they will be subject to the pressure of the park crowds, and forbidden the use of the land which they purchased to guard against being "crowded," and will become little islands surrounded by campers and picnickers who will leave their litter for others to clear away. There should be no limit on the "amount and locus"—to use the words of the bill—of the land about the house for its enjoyment, where it is not to be used for any kind of development, but is kept in its wild and unimproved state. Under the present limitation of 3 acres the house would lose its value, since few would buy a property planned and built for isolation which has been surrounded by park land devoted to the active recreation of tourists. The land can be kept in its natural state—one of the purposes of the bill—better by the owner than by the Park Service, as long as it is not improved. Many landowners will wish to sell to the park; and the park will have plenty of room for restricted recreational purposes, without interfering with those who wish to keep their land as it is.

The bill recognizes the objective of preserving the enjoyment of improved property by stating (sec. 9(b)(2)) that the Secretary shall provide for recreational facilities "in such places and manner * * * as will not diminish for its owners * * * the value or enjoyment of their property." But the 3-acre limitation for many owners precludes that enjoyment.

(2) This leads us to another connected consideration. What are the uses to which Cape Cod Park will be put? In the explanation of the bill issued on September 3 by its sponsors, it is stated: "Lower Cape Cod cannot be considered solely as a geographical area with certain physical characteristics. The lower cape must also be viewed as a way of life—culture—which * * * finds its essence in the peoples who have lived and are living there. This bill seeks to preserve the way of life which these people have established and maintained on the cape." The first preamble of the bill states that the shorelines possess five unique values—and only one of them is recreational. It is recognized that Cape Cod is unlike the other park areas—a comparatively small strip of land, in some places developed with houses, so there is not much room for use of the lower cape except along the great outer beaches. In consideration of these facts the bill says in section 9(b)(2) that in developing the park the Secretary shall provide facilities for the public in such places and manner as * * * will not diminish for its owners or occupants the value or enjoyment of any improved property located within the park. This is an admirable injunction; but is weakened by the uses defined in the same section b(1): "Camping, swimming, horseback riding, boating, sailing, hunting, fishing, and other recreational activities." In taking over the extra land on which houses are built, outside of the 3 acres (or other area designated in his discretion to be necessary for the enjoyment of the house), the Secretary will acquire very large areas. When these are opened to trailer camps, picnickers, and hunters, the tourists will swarm in great numbers, and thus change the conception of the park as a stretch of virgin land, unspoiled by man. The uses should be restricted: and the best way of restricting them would be to exclude from the incidence of eminent domain, the land between ocean and bay and permit the present owners to keep all their land in that area so long as they did not build on it.

(3) Section 5(a) provides for noncommercial residential development not in excess of 10 percent of the privately owned park property within the township. This provision will not permit the development necessary to keep the town alive. Since a large part of the park property within the township is not susceptible to development—being marshland—any percentage should be based

on land that can be developed, and the marshes excluded from this calculation. Certain areas in the three townships included in the park have already been developed or restricted for development by covenants and restrictions running with the land, which give greater protection than regulations ordinarily governing strict residential development. These areas should either be omitted from the park, or be excluded from whatever percentage is finally allocated under the bill.

(4) Finally there is one provision which is far less favorable to the towns than in the earlier bills—section 8 provides for payments in lieu of taxes, but only for 3 years, whereas prior bills provide for 20 years. Twenty years should be the minimum amount.

The bill will greatly affect our way of living. We sincerely hope that the committee of Congress which considers the bill will amend it so as to carry into effect the words of the preamble to which I have already referred: to preserve the way of life which these people have established and maintained on the cape.

Truro:

JOHN DYER, JR., *Selectman.*
ANTONE DUARTE, JR.,
Planning Board.

Wellfleet:

CHARLES E. FRAZIER, JR.,
Chairman, Selectmen.

FRANCIS BIDDLE.

Mr. BIDDLE. I am going to address myself to two sections of the bill and as I think the opening of any talk is the emphatic period to introduce the most important consideration, I am going to start first with that and then I am going to run through the bill rather quickly and point out some things that bother me in the bill, both from the points of view of draftsmanship of a good job and from the point of view of the results that a particular clause may carry, the results which perhaps have not been thought out carefully enough. But let me emphasize again this bill is an excellent start and it is practical, I think.

Now, the question really that faces you and faces all of us, as I think came up yesterday is what kind of a park do you want?

As many witnesses said and as you, I think, Senator, said in the beginning, this is not a western park where there is plenty of room to move around. They have all kinds of recreation. The issue really is in a park with so many associations of cultural background and history and so many beautiful houses. In Wellfleet alone, the Park Commissioner had a study made last summer of the number of houses dated before 1850, and there were 65 in that tiny town of 1,200 permanent inhabitants; and in the summer, by the way, there are about 8,000, with 5 traffic policemen now in the center of the city, that tiny little town. And the great question is how you can deal with these two conflicting ideas.

You cannot have recreation and preservation in the same spot at the same time.

I was very much impressed with the testimony of my friend Henry Foster yesterday but I am afraid rather sorrowfully impressed.

I am propark, but that is not enough. You have to say what kind of park when you say propark and his picture of the great routes and roads leading into the cape, of the increased use of parks going up 10 percent each year in Massachusetts, of the great area and industrialized area leading from Portland to Norfolk, I think he said, and said it because he believes that nowadays with modern motoring the park will be available to the inhabitants of that area, the fact that in a

smaller area you can run down for a day, taking a very short time as is done now. If that is true, and that purely from the recreational point of view, and you are going to open the cape as this bill suggests, we are sunk, we are gone, there is not a chance for the life of the communities and you won't be able to move around.

I remember the testimony about the Yellowstone, given by the Park Commissioner, that there were open-air slums, open-air slums in that enormous area in the West. Well, now, what could happen to this if you take it all the way down from the ocean to the bay and open it to camping, fishing, picnicking.

As a matter of fact, again you must allow for my prejudice. One of the original descriptions by the park people of the area around my house was that we use it for picnicking grounds; so I can see my 3 acres, with the picnickers around it.

Old Faithful today is filled up every night with beer bottles during the summer. And what are we going to do with this little place? I think it can be done, but I think that the basis of it must be compromised and that, Mr. Chairman, is the essence of all democracy, a compromise. This compromise is between one of those most difficult balances of power and of interest, the balance between the minority and the majority. We are the minority. We are the inhabitants. The majority are the people of the United States.

I think it can be done in several ways, although it is really only one way. When I say "several ways," I mean that the area can be reduced or the uses can be reduced. But really it is one approach. If you reduce the area the uses must be reduced. If you reduce the uses the area must be reduced.

To be a little more specific, let us look at the uses which I think are on the bill here, on page 19, section (b) (1) of the bill. At the bottom of the page:

> The Secretary shall develop for recreational uses such portions of Cape Cod National Seashore Park as he deems especially adaptable for such uses, namely, including camping—

That is the worst use to start out I think there is. If we are going to open this to be a camping park, like the great western parks, there is nothing left of it, "—swimming"—that is all right, "horseback riding"—I don't think of the cape as a horseback-riding place. It introduces many problems. You have all your western parks for that, "—boating, sailing, hunting, fishing, and other recreational activities of similar nature."

Now, I don't know if you remember, but when the park was first talked about, I would guess 3 or 4 years ago, it was envisaged almost entirely as a part of the great outer beaches with the incidentals thereto of the proper approaches of parking spaces and wildlife reservation but there was no idea of going to the bay side of Route 6 at that time and then very naturally the park, the Commissioner and his very able lieutenants—and let me pause to say that I think the park is one of the best managed and most competent and most decent organizations in the U.S. Government and I think I know most of our great parks. They became enthusiastic and they saw, for instance, that the little ponds here, on the oceanside of Route 6 grouped together were geologically interesting. The reason they are is because they are 500 or 600 feet deep. That is about the only reason, but

it is an interesting scientific fact. The State of Massachusetts already provides, as you heard, I think, before, that anybody can have access to them and that the attorney general can enforce that right at any time he is asked to. That does not seem to me in the balance of considerations of values to be a sufficient reason, as the original bill contemplated, to take all those houses.

Now, I am afraid I am speaking a little around the subject but parenthetically, let me suggest that that is another reason for this bill, the saving of money. It is not only the preservation of the old houses, but this bill saves in Wellfleet alone, the figures of the Park Commissioner—they were good enough to give me a copy of their estimate of the cost—original cost was $18 million, reduced to $16 million on what the Government would get back from life tenancies and things of that sort. But the original figure showed they were going to take 300 houses in Wellfleet at a cost estimate of roughly $15,000 apiece, so you save $4½ million right in the city of Wellfleet with this bill. I think that is worth considering because these bills are competitive in some sense and we are for your bill and not for the others.

Now, those are the uses. If you take out of those uses camping and horseback riding and have swimming, boating, sailing, hunting and fishing, and after all, fishing is obvious and the hunting should continue with short seasons, as it does now. You have to keep the deer clear.

You are in better shape to cut out other recreational activities. I think loose powers of that kind are probably unwise and you have the powers and uses generally stated.

And doesn't it come down, really to the use of the beaches? What are the beaches? Let's compare them. At least at my neck of the woods nobody except those who are very near them use the beaches. The great beaches are the beaches of the magnificent dunes and you have, what, 100 miles of them. I can't remember exactly. But those are the beaches you want to preserve.

Now, think of the expansion and the trouble you are going to save if you envisioned a park with that as a base. I don't say, Senator Moss, that you stop there. You have approaches. The citizens I think of, our two towns, anyway, Mr. Frazier and Mrs. Freeman, can back me up, perhaps on this, or comment on it—would be enthusiastic about your taking and keeping the great swamps which surround that whole area right across the bay side for wildlife preserves. But roughly to base your objective on the use of the beaches and the preservation of the other park, I think your purposes will be best accomplished.

Now, the uses of the beaches will mean taking the beaches, of course, or having them donated and many will be and you have already a great many municipal, State, and public beaches which can be taken with very little cost.

The other part, the uplands, some of them on each side of Route 6, but most of them in the bay side of Route 6, don't have to be taken at all. They should be preserved and they will not be preserved unless the Government does something about it, in my opinion. How can that be done?

This bill suggests it but does not quite have the courage of its own convictions. The bill suggests that the present owners can keep their properties and as long as they don't violate the zoning ordinances, indefinitely, and can do anything they want with them but limits it to the possibility of 3 acres. The Secretary must give us 3 acres apiece.

Now, a lot of us bought more than 3 acres. The land wasn't much. You could get a lot of it for $25 or $50 an acre not very long ago. We bought it to be able to crawl away and be able to get away from the crowd and have our own land, use it, walk on it and cut the trees. I think that ought to be taken into consideration.

And I suggest you should very well think of the possibility of, say the owner of the land and the house should be entitled to stay in his land and his house. The park does not need that land except for the purposes it seems to me objectionable, camping, the trailer camps, the picnicking areas, the riding trails which I don't think has any place in that little narrow, thin, lovable strip of Cape Cod. I don't think it belongs. I wouldn't the least mind if such a provision was made that there be added to it and made the owner may keep it, he may enlarge his own house, but he shall not build anything else on the land, having us restricted to our homes and the little land we possess. Twenty acres is not so much in the cape. With that you keep the look of the place, the little dunes, as they are, they are not developed. I don't want to develop my land. I think a good many people, at least in our side of Route 6, will agree to that.

I am not commenting on the commercial or economic side, the side involving the 10 percent which Mr. Frazier will take up, that he will deal with. That is a very important thing. I don't mean to be critical of it because I don't comment. We are simply dividing up our work so as not to duplicate the evidence. Perhaps you might wish to add that certain easements can be given to the Park Commissioners who like to go to the beach, but I don't think you need for a park the bay beaches, the small, flat, stony, and I don't think that is what is most needed for a park.

Following along you see the sort of divided approach of this bill. They want to do both if they can. They want recreation and preservation, so after giving all these uses that I have described in (b)(1), they add developing the park, this is on page 20, under (2), "The Secretary shall" and I will strike out the next words, "so far as practicable consistent with the provisions of paragraph (1)," I will just say. I don't like those extra words. They don't have much meaning. "In developing the park the Secretary shall provide recreational and other facilities for the public"—and, now, this is the paraphrase—"in such places and manner as he determines will not diminish for its owners or occupants the value or enjoyment of any improved property located within the park." That is for us, for our help.

Now, let's be concrete about it. I am going to take my own case simply because I know it and I think it is not untypical. To provide the recreation he cuts me down to 3 acres and puts picnickers around me. Does that or does it not diminish for me, the owner and occupant, the value or enjoyment of the approved property? I think the answer is obvious it does not.

So there is a conflict there which I think is somewhat irreconcilable.

Now, I think I have expressed myself about this general consideration. First, think of this as the great beaches, but don't be limited to it, keep your upland as it is. Don't allow any more buildings, but don't have the places condemned and don't have the limitation of 3 acres.

Now, what I said was going to be the first—am I overstepping my time here?

Senator Moss. No, sir; you go right ahead.

Mr. Biddle. Now, the second thing is I would like to glance very briefly to some of the provisions here of the bill. I won't go in very much. There is a good deal of confusion, as has been pointed out to me on page 11(e) which says that "as used in the act the term 'fair market values' shall mean the fair market value as determined by the Secretary." That does not mean what it says. It is one of those protective clauses which protects the Secretary, really. See, there are two ways of getting land. One is when you don't want to sell it and the Secretary condemns. Obviously that clause does not apply there because you get exactly what the land jury believes you ought to get. So that clearly does not apply there.

The other thing is when you made a deal with the Secretary. When you make a deal with the Secretary you make the best deal you can. So it does not apply there. What it really means is that the General Accounting Office, Senator, cannot go behind the Secretary's decision and cannot examine his decision and say this was not a fair market, sir. So I don't think we need to be bothered about that. So I just say that in passing.

Now, on page 12 it says, and that is the great section 4(a) that you can retain your property as long as you obey the zoning ordinances and on line 22, page 12. the owner is given the rather difficult job of deciding how long he is going to live and whether he is going to live 25 years, and whether it would be smarter to take it for life or 25 years. I think that is a kind of an unnecessary burden.

Why don't you say—in the other bill, the early bill it was 25 years or life, whichever was shorter. Now, that gives me an idea that the proper way of saying it was 25 years or life, whichever was longer. And it would not put that insuperable ethical burden of man to examine his own heart before he decided what he wanted to do.

Now, there is a clause which should be added, I think, there also. Let me again read the sentence. After the words "whichever term he shall elect" and then it says "In any case where such an owner retains a right of use and occupancy for such a fixed term of years." Obviously there should be added there "or for such a life occupancy," which is just an omission by mistake. Then it says "You can only sell or rent or dispose of," or whatever you do with it, your estate, in part. I don't think it should be limited to that. A great many of these dwellings are a group of little dwellings and sometimes the owner will want to rent one or use one. I don't see any reason for doing that. There may be one that I don't know.

Query: Can the owner of the property for this period build or add to his building? I may be unintelligent but I don't think that that has been very carefully considered and I think it should be and perhaps should be specified under what conditions of park approval that should be done.

Of course, as you all know, perhaps I should say this, as all lawyers know, zoning ordinances cannot be retroactively approved. I don't think that paragraph 2 on page 13 is very clear about that. I think probably it should be construed to mean that only prospective ordinances shall go into effect but perhaps that should be clarified and there is an important clause to add or important phrase to add in line 15.

Let me read the paragraph because I think this is very difficult for those who have not the bill to follow to understand. I will read the paragraph:

"Thereafter such authority shall be suspended"—that is authority to condemn—"with respect to all improved property"—that is property, house that you own—"in any of such towns during all times"—you see that is the man who wants to keep his house forever, as long as he can—"when such towns shall have in force and applicable to such property a duly adopted, valid zoning bylaw approved by the Secretary." Then you must obviously add to that "—and there has been no violation by the owner of the property."

You can very easily conceive a case where the owner is violating the property, the zoning bylaw of the town, the town doesn't give a hoot, and the violation is not picked up by the Secretary. Under that clause he could violate it all he wanted to, as long as it existed on paper. I think that is important.

It might be assumed or construed to mean that but I don't think we better leave it to construction. Let's put it down exactly what it is.

Now, this has been suggested and I think has some importance. Should there be any park regulations to protect the land that the owner is going to have for always, which is in the park area but not subject to condemnation—in this sense protect, can the owner go on building houses on his land? I would be perfectly willing, and I think many people would, to say, "No, he can improve his own house or houses but if he is keeping it as a home it is not intended that he shall go into the ownership and sale of houses even if owned." I think that should be considered.

Can he cut his trees? Perhaps the park should have some kind of general supervision over that land which is sort of semipark land. It is land which if he does something he ought not to do comes into the park by condemnation.

Now, there is a very important consideration here and that is with respect to what will happen if the ordinance is declared invalid. This is a pretty new bill. It is a new idea, this conditional zoning thing. I think it is sound. But nevertheless, you probably will have litigation.

What are you going to do, if, for instance, a lower court knocks out the zoning ordinances of Truro, Wellfleet, and Eastham, Mr. Chairman. Those really are the towns affected here, the other towns, if you look at your map you will see that the strip of the park goes along for a great distance, from Chatham, goes along the edge of the outer beaches and then when it gets to Eastham it thickens tremendously and goes bayward, toward the bay and when it goes to the end of the cape, end of Wellfleet, and a very large part of Truro, it runs down from ocean to cape and that is the only spot in the whole cape. I mean it is a little tough on those two towns. Truro we are losing 70

percent and I think Mr. Frazer will correct me—we are losing 60 percent in Wellfleet, the only spot they go right down from ocean to bay, the only part of the cape.

Well, I am going ahead of my story.

To come back to the question of the ordinance again, if there is an injunction or if it is declared invalid, what are you going to do? I think it was suggested that then the Commissioner make a deal with a particular owner. I think that would make an immense amount of work with great difficulty. There is a much simpler fashion. I suggest that the so-called regulations issued by the Commissioner for guidance to the township be used as a basis where the ordinances are not in effect so that the owner will be allowed to go along in the same ownership during the period when the ordinance is going through the courts. Maybe a new ordinance will be put in to correct the old one. So long as he does not violate the regulations, the standards issued by the Commissioner, which is a very simple, it seems to me, and practical way of handling it.

The end of section (c), still under (2) of page 13 provides that this deals with commercial or industrial purposes which I am not interested in but I point it out for the question of drafting. It says that the application must be made for permission for the Secretary to go ahead with the business provided it is made not later than the date of the establishment of the park. That is very hard on the owner. The Secretary may, and it has been suggested that he will, establish a park very promptly. He has already got a large amount of land offered or ready for park purposes. And I think the owner ought to have at least a fixed time, at least, say, 6 months within which to apply. These local people naturally don't know about the regulations and all that in Washington. It is hard to find your way around. They ought to have plenty of time to think it over and decide what to do. Six months, I think, should be proper.

Now, let's come to the advisory commission because I disagree with all the witnesses that have so far testified about it. I think the advisory commission is excellent but if you want an advisory commission, I think you should keep it advisory. I have had a good deal of experience with advisory commissions, particularly, Senator, with respect to the new monument on the West Potomac Park for President Roosevelt. I am Chairman of the Commission. I have had great experience with both planning commissions and with the Fine Arts Commission, which have immense influence in Washington. Very few things that they oppose, as you know, I think, sir, are carried by the Congress, very few buildings or developments and yet they have no power except to advise, but it is a great tradition that when you use experts, and this advisory commission is a commission in a sense, of experts, that you follow it. So I don't think that the power—the only specific power given them, as I understood, is to approve—is to approve real estate set aside under the 10-percent application. They should not have any power at all except power to advise, it seems to me.

Now, if you want to make it local, having—how many is it, nine men—on a commission, mostly a large majority of whom are local men does not make it local if the commissioner appoints the chairman. The chairman runs committees. He is the fellow who is going

to do this job one way or another. We all know that from practical experience. I suggest you might at least consider that the selectmen, or, rather—I beg your pardon—that the members of this commission who are appointed by the Secretary, first, that they might be elected by the townships and, secondly, that they elect their own chairman. That is the essence of the thing, who is chairman of the thing. Anybody who studies centers of power—the Senator will particularly understand what I mean, because his body is organized in that way—runs the committee. Therefore I suggest that.

I also suggest, and probably I do this with some hesitation, that Wellfleet and Truro might have a little more representation than is given them. I think it looks all very theoretic and democratic and lovely to allow everyone to have one vote. But why does Provincetown and Chatham and Orleans have anything to do with these essential things of that 10 percent on which these three communities—Eastham, I should have said—are going to live? Why should not those three have two each and the others one? I am just throwing that out.

Let me say another word about regulations. The regulations shall be issued by the Secretary and then the bylaws have to come within the regulations. Now, what happens in that case, Mr. Chairman, if the Secretary, after having been in effect for a couple of years, decides they are not working very well and wants to change them? How does that change the effect on those owners who came under the first, more rigid regulations constitutionally? You have two groups of people differently treated. There might be some difficult questions there, and there are certainly difficult practical questions. If, however, the Secretary, instead of issuing regulations, which word has a rigid and specific sound—you have to obey; it is like law—would set up standards. It does speak of standards; it says regulations and standards. But I think these must be made flexible and perhaps the words for the guidance of the townships affected by the act; there would be a little bit more elbowroom for both sides to move around in. Then the Secretary, when he discovers that the zoning board locally has given a variance, as it is called, or exception to the zoning law of the community which he does not like, the Secretary can hop down and condemn at once on the owner who has been guilty of that violation. I do not think that is very wise or has much commonsense.

I think what we ought to do, and often these things are matters of judgment, whether or not the violation is a violation, it is not that hard and fast, black or white thing that you can say that is a violation. It is a flexible, uncertain thing, quite often, and a matter of judgment, whether or not the violation is a violation it is not that not notice. I think in that case he ought to be given notice by the Secretary that he has violated the ordinance, that the exception granted by the selectmen or, rather, the planning board—suppose the planning committee, planning board is illegal—at least it is not approved by the Secretary and give him the chance to change it. These things ought to be made as friendly and cooperative as possible and not rigid, I think, all the way down the line. So he should give the owner an opportunity to go back and behave himself before cracking down on him. That is all I meant.

I think section 7 on page 17 is rather badly drafted. I think it says "certificate of the Secretary," which certifies that really there has been no violation of an ordinance. It says here he should give to any interested person. I don't think he ought to give it to any interested person. That is a loose term. Give it to the owner; he is the man who is entitled to a certificate of his own good behavior. It will be an awful nuisance to the Secretary's officials to determine whether the man who applies for the certificate is an interested person or not. It is a clumsy thing, I think—

a certificate indicating with respect to any property located within the park as to which the Secretary's authority to acquire such property by condemnation has been suspended in accordance with the provisions of this act, that such authority has been so suspended and the reasons therefor.

The reason it has been suspended is because the act says so. That is the only reason. What this really means is a certificate that the man has not violated the zoning law as the Secretary wants to give that. That is the only reason.

Now, and this is almost the last thing, if you have patience with me a little longer, section 8 is this famous taxing provision. I understand that there is one case in the circuit court of appeals which provides, I am informed, that an agreement between a State and the United States with respect to taxes in an airport, that the taxes shall still be collected on some particular house in U.S. land, has been sustained by the circuit court. I don't know, there may be more. I don't think it has gone up to the Supreme Court. I think it is of doubtful constitutional validity and extremely dangerous.

What in the world can the municipality do? Suppose the fellow says, this is the 25-year life tenant who is living there and who pays taxes to the municipality on U.S. land, which is tax free—that is why this is a queer animal—supposing he does not pay his taxes. What can the municipality do? They cannot condemn the land because it is Federal land. They have absolutely no power. All they can do is perhaps have a levy on his furniture. Not a great deal of money is involved and it seems to me infinitely wiser when the deal is made, and these are also contracts, the park buy his land and let him stay there. At that time, and I think this is suggested by one other witness, why not let the Commissioner and the man with whom he is dealing determine how much, if any, should be deducted from his life tenancy by reason of the fact that he is living tax free. I think it might be subject to negotiations. Personally, I would throw away the whole tax feature. I don't think you are going to save a lot of money this way.

In speaking of the 2-year limitation that the Government pay taxes for 2 years, I think the limitation is far too short. This is not unlike some of the TVA condemnations in the West of which I am most familiar. I was counsel for that joint committee because there the whole tax base of these little counties and towns would be taken out by the great dam building and structures and their limit was for 20 years, and I think probably that 20-year clause derived from the TVA into earlier bills on Cape Cod. As I recollect, they provide 20 years. I think in any event it is not a matter that I want to go into detail with. But I think the tax provided now, the tax revenue provided now, the payment in lieu of taxes, is grossly inadequate.

Mr. CALLAGHAN. Mr. Biddle, is it my understanding that you feel there would be no payment of taxes by an individual who enjoys a life tenancy?

Mr. BIDDLE. No. I said two things. I think perhaps I said it not very clearly. I said I thought that that matter could be worked out when the bargain is made. There is no such thing as a hard and fast market value. This market value idea is very misleading. The market value is as a result of trading and negotiation. The Secretary sends around a man and he sits down with the owner and they bargain. He says to the owner, "Look here, you are going to have this tax free and you are pretty hearty looking, and tax free for another 50 years. So I don't think we ought to pay quite as much as that."

If you want to put that in rigid form and say that the tax-free value to the tenant should be considered in the amount that is deducted and added to the value of his life tenancy and deducted from the total value of the house as a going concern, you can do it. I don't think those provisions——

Mr. CALLAGHAN. But is not the interest of the life tenant assessable by the tax collector in the State of Massachusetts?

Mr. BIDDLE. If he is living in U.S. property?

Mr. CALLAGHAN. Right.

Mr. BIDDLE. I think it is extremely doubtful constitutionally.

Mr. CALLAGHAN. Nevertheless, it is on the statute books, is it not?

Mr. BIDDLE. Of course, but does that statute say that the State of Massachusetts will be allowed to tax? It is a tax on land, is it not?

Mr. CALLAGHAN. It is a tax to the individual.

Mr. BIDDLE. It is a tax to the term on land.

Mr. CALLAGHAN. Right.

Mr. BIDDLE. So in a sense it is a tax on land. And the Commonwealth of Massachusetts says, "We shall permit municipalities to tax estates in U.S. land." I think the jurisdiction of Massachusetts taxing power is within its own borders and I think this is out of its borders. At least all I say is that there is very grave doubt and you should consider other methods of approaching this as well as the rather ingenious, what I think rather doubtful method of this, particularly as there is no remedy if a tax is not paid that is worth a damn. You can collect on some furniture and the tendency of the town to collect taxes gather for a while and after a while the tenant doesn't pay it. What do you do?

I perhaps have not studied this sufficiently, but I do think it is questionable.

Has this ever been done except in this airport case? I just don't know.

Senator Moss. I don't know.

Mr. BIDDLE. I have taken too long and I am almost done now.

I think that is all. I apologize for having spoken so long.

Let me say one thing. If you remember the people who were enthusiastic for the park generally, that is not the question. Always, what kind of a park are you going to give this comparatively small community that lives here.

Thank you very much.

Senator Moss. Thank you, Mr. Biddle, for a very good presentation. We appreciate your very concrete suggestions.

Our next witness will be Mr. Charles E. Frazier, chairman of the board of selectmen of Wellfleet. Mrs. Elizabeth Freeman will be called after Mr. Frazier.

STATEMENT OF CHARLES E. FRAZIER, JR., CHAIRMAN, BOARD OF SELECTMEN, WELLFLEET, MASS.

Mr. FRAZIER. Senator Moss, I am sorry Representative Keith is not at the platform but I understand he is in the hall. And I feel that I should recognize the four members of the National Park Service who are here in an unofficial capacity. I understand they will not present their views on this particular bill at this hearing.

My name is Charles E. Frazier, Jr. I am chairman of the board of selectment of the town of Wellfleet, a position which I have held, excepting during the war years, for the past 20 years, during which time I have also been a member of the board of public welfare and the board of assessors of the town.

I believe, Senator, that the testimony up to now, at least the testimony of the officials of the six towns who have spoken has quite clearly indicated that the towns accept this particular bill in all cases with reservations. I believe that the record will show that in those towns that have already voted on this bill and similar bills at duly constituted town meetings, that the people have voted to a great majority in opposition to any Cape Cod Seashore Park as proposed up to the present time. I believe that the testimony given yesterday and today has been an honest effort on the part of the officials of the towns affected and on the part of the citizens of those towns to make the best of a bad situation and to indicate a willingness to arrive at a reasonable compromise with respect to the establishment of a Cape Cod national seashore.

I believe that the Saltonstall-Kennedy-Keith bill is the best of a series of bills that have been proposed to the detriment of the area known as the lower cape.

I have been opposed from the beginning to the establishment of any national seashore park on the lower part of the cape, primarily because I feel that the land area is of such a limited nature, character, and extent that it is not consistent with the theory of a national park as is understood on the national level.

Approximately 18 months ago the Boston Herald, one of our local Massachusetts papers, indicated that I was the voice crying in the wilderness against the establishment of a national park on Cape Cod, notwithstanding the fact that the majority of the citizens of the cape wanted a park.

I feel that the records of the meetings of the towns and the citizens of the towns do not substantiate that opinion. I believe that our purpose yesterday and today is to indicate that if we must have a park, that the park should be established so that there could exist in the area, and particularly in the towns of Truro, Wellfleet, and Eastham the community of life as it has existed over the past 300 years.

I have agreed with the Honorable Judge Biddle with respect to this particular hearing that I would attempt to confine myself to the economic impact of this bill on the town of Wellfleet and I would like to reserve the right, Senator, to submit at a later time a more

detailed and comprehensive brief with respect to the position of the town covering other elements than the economic factors which I now propose to give you.

Senator Moss. You may do that. You may submit it and it will be included in the record.

Mr. Frazier. I would like to indicate at the outset that I am not opposed to conservation. I am not opposed to public ownership, that the record of my servitude for the past 20 years in the town of Wellfleet has indicated very much to the contrary, that I have sponsored many moves to acquire property for the public good and I will say that 20 years ago the town of Wellfleet as a municipal corporation owned not one single acre of land, either on its beaches or on its ponds, but that during the period of the last 20 years the town has acquired for public ownership on Cape Cod Bay over one-half mile of frontage consisting of more than 20 acres of land preserved for the general public.

We have acquired and own in Wellfleet Harbor over 1 mile of beach front, including riparian ownership for approximately another half a mile.

We have acquired on the Atlantic Ocean public landings at the terminus of each of our three roads that reach to the ocean of not less than 3 acres, in addition to which we own on the Atlantic Ocean between 3,000 and 4,000 feet of beach front.

We have acquired on every great pond in the town of Wellfleet, and I believe that we are the only municipality in the Commonwealth at the present time that owns a public landing on a great pond as provided by the constitution of the Commonwealth and as provided by the Colonial Ordinance of 1641, which reserved to the people the ownership of the great ponds and the right to fish and fowl on the bays and harbors of Massachusetts.

I point out that in the past 20 years the population of the town of Wellfleet has increased from about 800 to over 1,600 people. Our tax valuation has increased from about $2 million to over $6 million. The number of persons assessed has increased from 106 persons to 1,746. The number of dwellings and cottages has increased from about 700 to 2,951. Our assets or worth has increased from $43,500 to over $250,000, which we presently have in cash invested.

Our funded or fixed debt has been reduced from $57,500 to a situation where the town of Wellfleet has no debt. And at the same time and during the same interval of time our tax rate per thousand has remained basically the same, being $35.50 20 years ago and being $37 a thousand today.

During that time we have built a new school, a new townhall, a new fire station, a new highway department building, a communications control center, a new bathhouse, a new scenic drive along our interharbor and on Cape Cod Bay and a scenic highway parallel to the Atlantic Ocean.

We are participating in the cost of dredging our harbor channel and building docks and a marina that is recognized as one of the outstanding marine facilities in the Commonwealth of Massachusetts, at a cost of over $3 million.

As I listened to some of the speakers here yesterday I wondered where there was the native ingenuity and ability to accomplish these

things. I wondered how long, how we had been able to exist for the last 300 years without some definite professional planner telling us how to operate our communities.

I believe that the record of Wellfleet, which is consistent with the record of the other towns on the lower cape, indicates that we have run our communities well. Even the National Park Service surveys show that we have preserved our area.

We are one of the oldest settled areas in the country, and, yet, even the conservationists say that the area between Provincetown and Orleans has been preserved by the people and we have made a definite and honest effort to preserve it and we wish only the opportunity to continue to preserve it and it can be done by the type of zoning and ordinances that are being proposed.

In 1950 the town of Wellfleet established a planning board which has since that time exercised a stringent control over subdivisions.

In 1957 a limited zoning law was adopted requiring a minimum lot size of 10,000 square feet with 100-foot frontage on all roads, and this covered all of the property in Wellfleet excepting that abutting the State highway and on the State highway the minimum lot size was 20,000 square feet, and, in addition to those particular restrictions, there is a 25-foot setback from all sides of the lot. So that with a 10,000 square foot lot the maximum area that can be used is 5,000 square feet.

According to the statistics of the Massachusetts Department of Commerce, Division of Research, revised to July 1959, Wellfleet is a town with a land area of 20.47 square miles or an acreage area of 12,710 acres.

Of this amount, the proposed park will take 7,620 acres, and I use the figure of 7,620 acres, which is different than the figure indicated by the park; the park says that they are taking 5,800 acres, but for some peculiar reason they refuse and neglect to include an area in Wellfleet of 1,820 acres which has been used by the Federal Government since 1942 as a training area without a taking of the title, without reimbursement of the owners and permitting a situation since 1942 where property owners have been excluded from their land without just compensation or payment. So that we arrive at 7,620 acres and you add to that amount the pond acreage which has been excluded of 390 acres, which would mean that this proposed taking would be of 8,010 acres in the town of Wellfleet.

The simple matter of arithmetic would show that that would leave for the town's existence 4,700 acres.

I have shown on my plan map, which is made a part of this statement, the land acreage and I have shown thereon the marsh acreage.

Of the 4,700 acres that the town would have left, at least one-half of it is marsh and swamp that it not suitable, adaptable, or could be used for construction, and, even if it could be used, the eminent commissioner of conservation says that it should not be used because it should be preserved, so I think it is fair to eliminate that from the potential area that would be left to the town of Wellfleet for future expansion.

That would leave us approximately 2,300 acres.

Now, of that amount in the year 1958, one of the generous foundations that had no better means of spending their money than to

donate it for the taking of private land for public purposes purchased in the town of Wellfleet approximately, or made available for purchase in the town of Wellfleet approximately 400 acres, title to which is now in the Massachusetts Audubon Society, a tax-exempt organization, which takes that land out of the balance of the area left to the town.

So that reasonably I would say that the town of Wellfleet from its original 12,700 acres would be left for its existence approximately 2,000 acres of land.

Now, on that 2,000 acres of land there already exists over 26 houses, and all the commercial buildings and all the town-owned property. I fail to see under any conservation policy or any adequate zoning policy how the town of Wellfleet can be reasonably expected to crowd any more houses or buildings into such a limited area provided we will be then visited by the type of people that would be willing to exist under those conditions.

At the present time there are 355 dwellings and cottages in the area proposed to be taken for the park in the town of Wellfleet, a rather curious figure because in the report of the proposed national seashore, the investigators, in spite of having spent a year and a half on the cape, were unable to determine whether any houses were taken in the town of Wellfleet when by actual count from visual observation and from the tax rolls it appears that they would take 355 houses.

Now, of this number 237 buildings are properties that have been constructed during the past 10 years. The present fair market value of these new constructions we estimated, based on real estate appraisers and experience of real estate experts, to be not less than $2,800,000. This value of $2,800,0000 is substantially less than the value predicated by the National Park Service, which was approximately $15,000 per house.

Since January 1, 1959, in the town of Wellfleet there have been 34 dwellings constructed, new, that does not mean additions or improvements to existing construction. That means that there are 44 new houses, the minimum value of any one of which is from $15,000 up and of that number 33 houses were built in the area in which the park is proposed.

A study of all construction in the town indicates that during the past 10 years at least 75 percent of all new buildings has taken place within the area proposed for the park. That means that at least 75 percent of all new tax valuations is derived from the proposed park area and it is basically this new tax valuation that has permitted the town to maintain its low and stable tax rate.

If the proposed park is authorized according to its present boundaries, exclusive of these fancy conditions with regard to tax reimbursement and other features which may or may not occur, the fact is that there will be an actual loss of assessed valuations taken from the tax records as of January 1, 1959, dwellings, $1,081,000 and land, $685,200, personal property, $108,100, making a total tax valuation lost of $1,874,300. This figure represents 36 percent of the total tax valuation in the town of Wellfleet.

Now, based on competent real estate agents and brokers in the area, predicating their opinions on actual sales in the locality, the minimum fair market value of the property taken would be $4,313,000 for the

dwellings, $6,825,000 for the land or a total of $11,165,000 for just the property taken in Wellfleet. And I call to the Senator's attention and to the Representative's attention that the value of dwellings utilized here is approximately $10,000 per dwelling and I call to your attention that the figures compiled by the National Parks Service with respect to values of dwellings in Wellfleet was that the average value was $15,000. So that it is readily seen that these figures are not exaggerations, that they are one-third less as far as dwellings are concerned that the National Parks said that those buildings are worth. I am using a value of approximately $1,000 an acre for the land. I do this on the basis of the fact that most of the land being taken is the valuable land in Wellfleet. Any land on the ocean front or the bay front or on the ponds has a present value of not less than $5,000 an acre, so that when I use a figure of $1,000 an acre as an average, I am using a conservative figure. I mention money only as an incident to the cost of this project because it has been indicated to the public that the total cost might be $15 million for the entire area.

Values are not important to the town of Wellfleet. We are only looking for the opportunity to coexist with a park if there must be a park.

Senator Moss. Chairman Frazier, your entire statement will be in the record. I wonder if you could sort of highlight it from here on? I am afraid we will preclude some of our people getting a chance to testify if we do not move along.

Mr. Frazier. I will be very happy to, Senator.

Senator Moss. Thank you.

Mr. Frazier. I would like to indicate that the economy of Wellfleet is based on the construction business and according to the Division of Employment Security of the Commonwealth, the figures revised to July 1959, over 75 percent of the employment in Wellfleet is engaged in the construction business and the wholesale and retail trade. Another 15 percent is engaged in the real estate business and the insurance business, which is a clear indication than approximately 90 percent of the economy of Wellfleet is based on the construction business except for the purchase of food.

I believe that if you take 75 percent of the land area on which 75 percent of the economy is based the natural conclusion is that you will be destroying to a great degree the basic economy of the town and therefore the business of the people of the community would be lost.

I would like to point out that the construction in Wellfleet during the past years to which I have referred has been construction not of a commercial nature, that the town is basically a family town, that the construction has been of year-round homes, in most cases, with the ultimate objective of retirement.

I would like to point out that in all recent subdvisions in Wellfleet there has been no subdivision to my knowledge of any substantial property that has been less than 1 acre, that a subdivision on Indian Neck of 165 acres ranges from 1 acre to 6 acres; that on Griffin Island 350 acres have been subdivided into lots ranging from 3 to 10 acres; that in each of these instances there are covenants running with the land which protect the land area and use for periods up to 100 years.

I would like to say that there seems to be little or no justification for the taking of any land on the westerly side of the State Highway

Route 6, and that the classification of the land in Wellfleet west of the State highway as the bayside region, without indicating any reason for taking it and including it in the park is basically a land grab unnecessary to a national seashore. This phase of taking involves frontage of 5½ miles on Cape Cod Bay and the taking of another 5½ miles of shore frontage on Wellfleet Harbor. When added to the taking along the Atlantic Ocean of the entire beach frontage of another 6½ miles, it means that 17½ miles of Wellfleet shore frontage is being taken for park purposes.

There can be no argument with respect to the lands on the westerly side of the State highway, Route 6, being despoiled, when we examine the facts. This area is composed of three distinct sections called islands, but not connected. The first is a group known as Jeremy Point, Little Beach Hill, and Great Beach Hill, consisting of about 1,000 acres of land upland and marsh.[1] It is in single ownership and has built on it two seasonal homes. It contains roughly a thousand acres of land. It can be purchased only on the condition that it will not be subdivided into more than five or six parcels of land. It is property that is owned by a speaker who will express his opinion with respect to that.

The next parcel of land, consisting of approximately 650 acres, is Griffin Island. There are presently on that island 10 houses. The smallest landholding of anyone of those 10 houses is 5 acres. The average holding is between 5 and 10 acres for each lot. The land is restricted to a single dwelling. The covenants run with the land until approximately 2000. A portion of that land was recently sold of 350 acres which cannot be subdivided into lots less than 3 acres in size, not more than one house to a lot, no disturbance of the topsoil, no utilities above ground, the restrictions on the use of that particular land covered by covenants running with the land run into 2070, which is far greater protection than any zoning by law could afford.

The situation with Bound Brook Island, which is directly to the south, there are six or seven owners on that land. Each owner has from 10 to 50 acres. It is the area in which the previous speaker, Judge Biddle lives. There is no possibility of development there. Each of the owners are willing to impose covenants running with the land which would give the area all the protection that it needs.

There is absolutely no justification for the national park or any other public agency taking any of that land on the westerly side of the State highway.

I have indicated on my map, which I trust you gentlemen will refer to, certain sections in addition to the land west of the State highway which should be excluded. I have indicated an area surrounding Gull Pond, which I have marked as parcel 2 and have asked you to exclude that section. That is a section of highly residential property. It is occupied in great part by families that have come to that particular area for the basic purpose of privacy, charm of the area, the intent to maintain an area according to its original character. In that secion alone there are six or seven of the country's outstanding architects who have settled the area and exercise a greater degree of control with respect to the preservation of that property than any conservation agencies could be expected to exercise. That section

[1] See letter of A. I. Honderson on p. 181.

should be excluded. The lot sizes in that area are not less than 1 acre. The restrictions are such that you cannot build more than one house on a lot. The owners of the property are willing to impose such covenants running with the land as are agreeable to the park agency.

The public is well protected in the use of the ponds because the town of Wellfleet already has dedicated to the public use of those ponds for town landings. The largest pond in Wellfleet is Gull Pond. We have a town landing on 1¾ acres dedicated to the public use protected by statutes of the Commonwealth and the people of the national park or any other of the public can use it.

The next section I ask to exclude is a certain pond area between Long Pond and the road which is shown on the map. It is another residential area. It is not necessary for the park to own this. The park already has access to it by publicly owned lands similar to the land on Great Pond, where the town owns over 800 feet of the beach front, and this area should be excluded.

I ask that any bill should make provision for the protection of the existing dwellings in the area along Ocean View Drive and adjacent to Cahoon's Hollow Road and ask that they either be excluded from the park or if they are included that provisions be made for the existing property owners to retain title free from condemnation or eminent domain provision and subject to a provision of no further development without license or permission of the Secretary of the Interior.

A proposal such as this would permit the town to continue to exist economically on a sound tax base. The area excluded from the proposed park are presently well protected by covenants running with the land in most cases, and could be further protected by adequate zoning acceptable to the Secretary of the Interior. The town has adequate ownership of public landings at each of the Great Ponds excluded from the park area of taking. These are open to all the public and give access to the pond which is already in public ownership of the Commonwealth of Massachusetts.

The town ownership of substantial areas on Cape Cod Bay and Wellfleet Harbor all accessible by town-owned roads and all open to the public free of charge provide adequate facilities for warm water bathing to visitors to the town.

The establishment of a national seashore park in an area with such a limited amount of land, where the width from ocean to bay is less than a mile in many sections, should be accomplished with great care. This area is certainly not a vast wilderness, but a substantially developed area with a way of life that has existed for over 300 years. If a park must be established, and most of us agree that some portions of this unique area should be preserved for posterity, it should be done so as to cause the least injury possible to this locality.

Such a park as proposed, because it is fundamentally a seashore, will attract only during 10 weeks of the year. In our climate this is the full extent of the beach season and calling our locality a national seashore park will not cause the sun to shine any hotter or longer or the water to be suitable for bathing for a longer period than our present season, and a seashore park is primarily dedicated to the use and the enjoyment of the seashore and the water.

I would like to comment just briefly on certain sections of the bill that I believe present legal problems. I must bow to the judgment of Judge Biddle as the former Attorney General of the United States. I hold a position in Massachusetts as assistant attorney general and do not claim the dignity, prestige and experience of the judge but I do have some difference of opinion and with respect to certain sections of the bill.

I believe that section 4(a) which refers only to owners of improved property for noncommercial residential purposes, in existence at the time of the establishment of the boundaries of the park, as provided by section 3 should be modified by the elimination of subsection (b) (2) requiring a valid zoning bylaw as a condition of suspension of the authority of condemnation by the Secretary of the Interior. It is not constitutionally possible to impose valid zoning bylaws on such property so as to effect either land area or the use, and other provisions of the bill adequately provide against further development in the park area. Existing residential property should be allowed to continue in the park free from the threat of condemnation, and I believe that existing properties as defined in the bill could be granted that privilege without the necessity of trying to impose a valid zoning bylaw which is not constitutionally proper with respect to the use of those particular properties.

The provision of section 4(d) which establishes September 1, 1959, as the deadline for construction in any area which may be designated as a park and imposes the threat of condemnation on anything built after that date stagnates the construction industry and has already caused the concellation of building in an area which may never, in fact, become a park. Any date which imposes a different condition on one parcel of land over another, should certainly not be effective before the bill is, in fact, passed by the Congress, and I believe that if there is to be a deadline date that it should be coexistent with the passage of any such bill and not stagnate communities from the development of property which may take years and years to become a park and prevent the normal orderly existence of these communities until such time as a park is in fact established.

In connection with that I call to the Senator's attention that in the town of Wellfleet alone there have been 20 cancellations of constructions of dwellings in the proposed park area on the basis of the fact of the potential condemnation of anything built after September 1, 1959.

Section 5(a) of bill 2636 which provides for possible additional construction within the park area should not leave the entire judgment and discretion of the adverse effect of such building to the Secretary of the Interior; this is a decision which may well be more fairly handled by the advisory commission named in the bill. We refer to the 10 percent limitation which is section 5(b) of the bill as a possible expansion area for residential purposes. The 10 percent taking ratio certainly should be changed in each town so as to bear a fair relationship to the type of land taken and the type of land left to a town outside of the park area of taking. The choice of such land should not require any approval except by a lawful vote of a town meeting and possibly the condemnation of the Secretary of Interior, because I am quite sure that at least Representative Keith knows

this, that it is going to be a substantial problem to get town voters to agree on what land will be allocated for further development. They say that there is some good that comes out of everything and as I listened to Professor Eliot, I could not help but feel that that thought was very true because among other things that he said was that any area that anyone felt might be excluded should be excluded before any bill was passed and not have any conditions attach to it.

Section 8(b) of the bill provides that no payment in lieu of taxes shall be made unless the Secretary has acquired a fee simple absolute, if that is construed in its strict legal sense, which would seem to eliminate taxpayments on realty where an owner had reserved a life estate or estate for a term of years.

Under section 8(a) there is considerable legal doubt as to the right to assess an owner in possession either of a life estate or of a term of years. Even if such assessment was authorized and legally proper the full and entire cash value of the assessment would be reduced by the annual rental value, determined at the time of acquisition by the Secretary in accordance with recent Massachusetts Supreme Court cases, which came down within the last 2 years.

Even if you could tax the owner's possession of either a life estate or an estate for years and he refuses to pay the tax assessment, the Massachusetts remedy of tax foreclosure for nonpayment of taxes could not be exercised because it is a proceeding in rem. That is a proceeding against the land and the land being owned by the Government you could not sell the land.

The foregoing portions of my statement up to now are not to be construed as a personal endorsement of a Cape Cod National Seashore Park or as the official position of the board of selectmen of the town of Wellfleet, acting for and in behalf of the inhabitants. It is intended to represent the maximum possible area which the town could lose to a national park and still continue as a self-sustaining municipal corporation.

It is the board's opinion that the outer arm of Cape Cod contains too little land area in its entirety to permit a national park according to standards generally acceptable up to this time. There is no precedent for taking the homes of so many people in such a restricted area, and the practical elimination of at least two or three towns by depriving them of their economic base.

Admitting that portions of the outer cape should be preserved for posterity, and that some of the area is unique in character, it is generally felt in this community that this purpose could be accomplished and the lower communities can continue to exist according to their established way of life, by taking a lesser amount of property which is readily available and I refer specifically to the land owned by the Commonwealth of Massachusetts known as the province lands, consisting of about 4,500 acres on the tip end of Cape Cod, the land known as the Pilgrim Spring, consisting of about 1,200 acres, recently taken by the Commonwealth of Massachusetts, and the intervening land consisting of approximately 1,800 acres, making a contiguous area of 7,500 acres, extending from the tip end of the cape into the town of Truro where there is in existence all of the dune country, all of the area that has been described in the brochures by the National Park

Service which is the source of all the pictures that have been used to illustrate their policy and in addition to this area there are certain other undeveloped areas on the back shore that could be included, plus the ownership of the beach itself and an area adjacent to the beach not exceeding 500 feet. Such an area would provide all of the requirements of a national seashore park. This type of a program could be accomplished at little or no cost.

The commissioner of natural resources has generously agreed that the Commonwealth will donate the 7,500 acres that is owned by the Commonwealth, which is being paid for by the Commonwealth by land damage actions. But he will donate that 7,500 acres, a great proportion of the back shore beach front would be donated. All of the towns affected would donate their land and I believe after talking with all of the owners of the beach front in Wellfleet that a donation would be made by all of the owners of the land on the Atlantic Ocean side. And I believe that the owners of the adjoining land would restrict the use of such adjoining land by covenants running with the land which would give the national park much greater protection than any zoning by laws that might be proposed and that might be changed.

I am sorry to have taken so much time, Senator.

Senator Moss. It is all right, Chairman Frazier. We appreciate your appearance and your statement. It has been very thoughtfully worked out.

(Mr. Frazier's prepared statement follows:)

STATEMENT OF CHARLES E. FRAZIER, JR., CHAIRMAN, BOARD OF SELECTMEN, WELLFLEET

My name is Charles E. Frazier, Jr., chairman of the board of selectmen of the town of Wellfleet, a position I have held excepting during the war years for the past 20 years, during which time I have also held the positions of a member of the boards of assessors and of public welfare.

During this period of time our population has increased 100 percent from a little over 800 to over 1,600; our tax valuation increased from about $2 million to over $6 million; number of persons assessed from 1,106 to 1,746; number of dwelling and cottages from about 700 to 2,951; our assets from $43,500 to over $250,000; and our funded or fixed debt reduced from $57,500 to no debt. At the same time our tax rate per thousand remained basically the same, being $35.50 in 1939 and $37 in 1959.

During the same period of time we have built a new school, a new town hall, a new fire station, a new highway department building, a communications control center, a new bathhouse, a new scenic drive along our inner harbor and on Cape Cod Bay, and a scenic highway parallel to the Atlantic Ocean.

We have participated in the cost of dredging our harbor channel, building docks and a marina that is recognized as one of the outstanding marine facilities in the Commonwealth of Massachusetts, at a cost of about $3 million.

We have acquired town landings at the terminus of every access road leading to the ocean, bay, or pond, and are one of the few, if not only, municipality in Massachusetts with public landings at each of our Great Ponds. We own nearly one-half mile of beach frontage on Cape Cod Bay, consisting of 20 acres; over a mile of beach frontage on Wellfleet Harbor of about 50 acres, nearly a mile of beach frontage on the Atlantic Ocean, with at least 3-acre landings at the terminus of the three access roads leading to the Atlantic Ocean.

Over this period of time we have exercised a planned program to increase our recreational facilities for the protection of our land and to provide adequate facilities for our further growth as a resort area. In 1950 the town established a planning board, which has since exercised a stringent control over subdivisions. In 1957 a limited zoning bylaw was adopted requiring a minimum lot size of 10,000 square feet and 100-foot frontage on all property except that abutting on the State highway, and a 20,000 square feet minimum size lot on the State high-

way. In addition to the minimum-sized lots, there is also a further requirement of a 25-foot setback on all four sides of each lot.

According to statistics of the Massachusetts Department of Commerce, division of research, revised to July 1959, Wellfleet is a town with a land area of 20.47 square miles or an area of 12,710 acres. Of this amount, the proposed Cape Code National Seashore will take about 7,620 acres. This latter figure of taking excludes 390 acres of ponds, so that the total taking would amount to 8,010 acres, leaving a balance of 4,700 acres. Of this amount, approximately one-half is marsh and swamp land unsuitable for development or building and would leave not more than 2,350 acres. This acreage is further reduced by the elimination of about 400 acres purchased in 1958 for the Massachusetts Audubon Society as a bird sanctuary, and therefore tax exempt. The town would have left less than 2,000 acres of land suitable for construction, and this area is already substantially developed and occupied by over 2,600 dwellings and cottages in addition to commercial buildings and town-owned buildings.

At the present time there are 355 dwellings and cottages in the area proposed for the park. Of this number, 237 are dwellings or cottages constructed within the past 10 years. The present fair market value of these new constructions total $2,800,000 exclusive of the land value thereof.

Since January 1, 1959, there have been 44 dwellings constructed in the town and of this number, 33 are in the proposed park area and have a reproduction value of $350,000 exclusive of the land value.

A study of all construction in the town indicates that during the past 10 years at least 75 percent of all new building has taken place within the area proposed for the park. This means that at least 75 percent of all new tax valuation is derived from the proposed park area. It is basically the new tax valuation from the proposed park area whihc has permitted the town to maintain a low and stable tax rate.

If the proposed park is authorized according to its present boundaries, it will mean an actual loss of assessed valuation as follows:

Dwellings	$1,081,000
Land	685,200
Personal property	108,100
Total	1,874,300

This figure represents 36 percent of total tax valuation of the town.

Based on competent real estate agents and brokers in the area, predicating their opinions on actual sales in the locality the minimum fair market value of the property taken would be as follows:

Dwellings	$4,313,000
Land	6,852,000
Total	11,165,000

These figures are less than the figures secured by the National Park Service in computing value of property in Wellfleet wherein a figure of $15,000 per dwelling was used, so that 355 dwellings at $15,000 each would total $5,325,000.

The economy of Wellfleet is based on the construction business and the summer trade resulting from the use of such construction. According to the Division of Employment Security of the Commonwealth of Massachusetts information revised to July 1959, over 75 percent of all employment in Wellfleet is engaged in the construction business and wholesale and retail trade, and an additional 15 percent is engaged in real estate and insurance business.

It is fair to assume that if the land area on which such construction is being carried on, at least, to an extent of 75 percent, is taken for park purposes and there is little or no desirable land left for development and construction, that the real-estate and construction business will terminate to a great degree and the basic economy of the town will be destroyed.

It should not be inferred that such construction has been of a character that has defaced or injured the natural topography of Wellfleet, or that the construction has been of a commercial nature. The town is basically a "family town" and practically all recent construction has been of homes built for possible year-round use with the ultimate objective, in most cases, of retirement homes. There has been no subdivision of any substantial acreage in recent years where lots have been of less than 1 acre of land area, and in these cases, as well as for the

larger subdivisions, each lot is limited to single-family dwellings. In an area known as Indian Neck 165 acres were subdivided into lots ranging from 1 acre to 6 acres; on Griffins Island 350 acres have been subdivided into lots ranging from 3 to 10 acres. In each of these instances and similar subdivision the lot size and the land use have been controlled by covenants running with the land for as long as 100 years.

There is little or no justification in the field investigation report on a proposed national seashore prepared by the National Park Service in 1958 to take any land on the westerly side of the State Highway Route 6 for the purposes of a national seashore park. The classification of the land in Wellfleet west of the State highway, as the bay side region treated on page 6 of the field report, without indicating any reason for including it in the park area of the town amounts to a mere land grab unnecessary to a national seashore.

This area involves a taking of the entire frontage on Cape Cod Bay of about 5½ miles and the taking of another 5½ miles of shore frontage on Wellfleet Harbor. When added to the taking along the Atlantic Ocean of the entire beach frontage of another 6½ miles, it means that 17½ miles of Wellfleet shore frontage is being taken for park purposes.

There can be no argument with respect to the lands on the westerly side of the Highway Route 6 being despoiled when we examine the facts. This area is composed of three distinct sections called islands, but now connected. The first is a group known as Jeremy Point, Little Beach Hill, and Great Beach Hill, consisting of about 1,000 acres land upland and marsh.[1] It is in single ownership and has built on it two seasonal homes. It is highly restricted and the owners will sell only for a development of between five and six homes.

The second is known as Griffin Island, consisting of about 650 acres of upland. There are presently 10 homes thereon, located on lots from 5 to 10 acres each, with restrictions of 1 home to each lot and permitting no subdivisions. The balance of the island not built on is owned by 2 owners and all the land is rigidly restricted. The smallest lot must exceed 2 acres, permits only 1 dwelling to each lot, and safeguards the land in many ways. The covenants and restrictions on this island, which runs with the land, continue until 2060. The last land is known as Bound Brook Island and consists of about 700 acres. It has 7 houses thereon, all having acreages of from 5 to 50 acres. There are about 10 landowners on the island and there is no desire for development. All the property owners are more than willing to restrict their lands by covenants running with the land to guarantee its future use.

As part of this talk I have made use of a map of the town showing the proposed boundaries of the suggested park. I have attached a copy of this map hereto[2] and make it a part of this statement by reference and incorporation. The area within the lines marked in red indicate the proposed park boundaries. I have marked on the same plan in blue the maximum area which, after study, the board of selectmen of the town believe can be dedicated as a park without causing the economic destruction of the municipality.

1. The area westerly of the State highway is excluded under this plan for the reason indicated previously.

2. The area extending southerly from the Wellfleet-Truro line to Gull Pond Road and extending from Gull Pond Road along Kinnicum Pond Road to the ocean should be excluded except for the beach area and land adjoining the beach to the depth of about 750 feet.

3. The area between Long Pond Road and Cahoons Hollow Road should be excluded as shown on the plan.

4. The area along Ocean View Drive and adjacent to Lacounts Hollow Road should either be excluded or provision made for existing property owners to retain title free from condemnation or eminent domain proceedings and subject to a provision of no further development without license or permission of the Secretary of Interior.

A proposal such as this would permit the town to continue to exist economically on a sound tax base. The areas excluded from the proposed park are presently well protected by covenants running with the land in most cases and could be further protected by adequate zoning acceptable to the Secretary of the Interior. The town has adequate ownership of public landings at each of the Great Ponds excluded from the park area of taking. These are open to all the public

[1] See letter of A. I. Henderson on p. 181.
[2] Filed with the committee.

and give access to the pond which are already in public ownership of the Commonwealth of Massachusetts.

The town ownership of substantial areas on Cape Cod Bay and Wellfleet Harbor all accessible by town-owned roads and all open to the public free of charge provide adequate facilities for warm-water bathing to visitors to the town.

The establishment of a national seashore park in an area with such a limited amount of land, where the width from ocean to bay is less than a mile in many sections, should be accomplished with great care. This area is certainly not a vast wilderness, but a substantially developed area with a way of life that has existed for over 300 years. If a park must be established, and most of us agree that some portions of this unique area should be preserved for posterity, it should be done so as to cause the least injury possible to this locality.

Such a park as proposed, because it is fundamentally a seashore, will attract only during 10 weeks of the year. In our climate this is the full extent of the beach season and calling our locality a national seashore park will not cause the sun to shine any hotter or longer or the water to be suitable for bathing for a longer period than our present season.

If your committee can recommend a coexistence of the proposed park and the town of Wellfleet by excluding the areas here suggested, many of us feel that S. 2636, or some similar bill, may be for the best interest of the country as a whole, and we reluctantly share our way of life and a reasonable part of our heritage and Cape Cod which so many of us have fought so long to preserve.

We believe that section 4(a) which refers only to owners of improved property for noncommercial residential purposes, in existence at the time of the establishment of the boundaries of the park, as provided by section 3 should be modified by the elimination of subsection (b)(2) requiring a valid zoning bylaw as a condition of suspension of the authority of condemnation by the Secretary of the Interior. It is not constitutionally possible to impose valid zoning bylaws on such property so as to affect either land area or use, and other provisions of the bill adequately provide against further development in the park area. Existing residential property should be allowed to continue in the park free from the threat of condemnation.

The provision of section 4(d) which establishes September 1, 1959, as the deadline for construction in any area which may be designated as a park and imposes the threat of condemnation on anything built after that date stagnates the construction industry and has already caused the cancellation of building in an area which may never in fact become a park. Any date which imposes a different condition on one parcel of land over another, should certainly not be effective before the bill is in fact passed by the Congress.

Section 5(a) of bill 2636 which provides for possible additional construction within the park area should not leave the entire judgment and discretion of the adverse affect of such building to the Secretary of the Interior; this is a decision which may well be more fairly handled by the Advisory Commission named in the bill.

Section 5(b) of the bill provides a 10-percent limitation of the total amount of privately owned property taken for park purposes in any one town, as a possible expansion area for residential development. The percentage ratio should be changed as to each town, and bear a fair relationship to type of land taken and the type of land left to a town outside of the park area of taking. The choice of such land should not require any approval except by a lawful vote of a town meeting and possibly the Advisory Commission.

Section 8(b) of the bill provides that no payment in lieu of taxes shall be made unless the Secretary has acquired a fee simple absolute, which would seem to eliminate tax payments on realty where an owner had reserved a life estate or estate for a term of years.

Under section 8(a) there is considerable legal doubt, as to the right to assess an owner in possession, either of a life estate or of a term of years. Even if such assessment was authorized, the full and fair cash value of the assessment would be reduced by the annual rental value, determined at the time of acquisition by the Secretary in accordance with recent Massachusetts Supreme Court cases.

In the event that the owner in possession of either a life estate or an estate for years refused to pay the tax assessment, the Massachusetts remedy of tax foreclosure for nonpayment could not be exercised.

I mention these parts of the bill only in passing, as their importance diminishes if your committee sees fit to consider modification of the proposed boundaries. I feel confident that an impartial consideration of all the facts will result in a boundary modification.

The foregoing portion of this statement is not to be construed as a personal endorsement of a Cape Cod National Seashore Park, or as the official position of the board of selectmen of the town of Wellfleet, acting for and in behalf of the inhabitants. It is intended to represent the maximum possible area which the town could lose to a national park and still continue as a self-sustaining municipal corporation.

It is the board's opinion that the outer arm of Cape Cod contains too little land area in its entirety to permit a national park according to standards generally acceptable up to this time. There is no precedent for the taking the homes of so many people in such a restricted area, and the practical elimination of at least two towns by depriving them of their economic base.

Admitting that portions of the outer cape should be preserved for posterity, and that some of the area is unique in character, it is generally felt in this community that this purpose could be accomplished and the lower communities can continue to exist according to their established way of life.

The land owned by the Commonwealth of Massachusetts known as the Province lands, consisting of about 4,500 acres, and the land known as the Pilgrim Spring of about 1,200 acres, and the land between these two parcels containing 1,800 acres, making a total of 7,500 contiguous acres, all of which are undeveloped and suitable only for park purposes, could be the basis of a park. There are other undeveloped sections along the Atlantic Ocean which could be added to this total, and the entire beach front along the Atlantic Ocean to a depth of not more than 500 feet would provide all that is necessary within such a limited land area such as exists on the lower cape. To this could be added such other lands as property owners in the area would be willing to convey to the National Park Service subject to such conditions as might be agreed upon by the interested parties.

This type of a program could be accomplished at very little cost, would include most of the areas that are classified as unique and demand preservation for posterity, and would preserve the entire seashore along the Atlantic Ocean.

The adjoining lands could be readily zoned at this time even before the passage of such legislation to assure protection of the land adjacent to the proposed national seashore park.

NEW YORK, *December 22, 1959.*

Hon. FRANK E. MOSS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MOSS: I note that in the statement of Charles E. Frazier, Jr., chairman, Board of Selectmen, Wellfleet, before the Senate subcommittee hearing on S. 2636, held in Eastham on December 10, he says: "The first is a group known as Jeremy Point, Little Beach Hill and Great Beach Hill, consisting of about 1,000 acres land upland and marsh."

This property is owned by my wife and according to our records, based on perimeter surveys, the correct area is approximately 530 acres (440 acres of upland and 90 acres of meadow and marsh).

Of course, this does not include the beach below mean high-water mark.

I think this correction should be included in the record of the hearing.

Yours very truly,

A. I. HENDERSON.

Senator Moss. Before I call our next witness, Mrs. Elizabeth Freeman, I will insert in the record a brief that has been prepared by the Harvard Law School Legal Research Bureau for Senator Kennedy and Senator Saltonstall on some of the constitutional aspects of zoning in Massachusetts. This seems to me to be pertinent to the testimony of the last two witnesses who appeared before us.

(The brief follows:)

SOME CONSTITUTIONAL ASPECTS OF ZONING IN MASSACHUSETTS

(Memorandum prepared for Senators John F. Kennedy and Leverett Saltonstall by Harvard Law School Legal Research Bureau.)

The delegation of the power to control and restrict the development of private property is accomplished by article 60 of the articles of amendment to the

constitution of Massachusetts: "The general court shall have the power to limit buildings according to their use or construction to specified districts of cities and towns" (10 Annot. Laws of Mass. 143 (ratified Nov. 5, 1918)). Article 69 is held to be fully applicable to the restriction and control of land, despite the narrow terms in which it is couched. *Opinion of the Justices* (234 Mass. 597, 127 N.E. 525 (1920)).

I. ZONING AND THE APPROPRIATION OF PRIVATE PROPERTY

Zoning bylaws are enacted in the exercise of the police power of the State. This is a substantially different power from the Federal or State power of condemnation which allows the appropriation of private property to public use upon payment to the owner of just compensation for his loss (Mass. Const. art. X; U.S. Const. amendment V). Zoning bylaws passed in the exercise of the police power which restrict or impair the use of property are not ordinarily held to be invalid as a taking of property for public use without compensation. This may be so even where the same or similar effects have previously been accomplished under condemnation proceedings. For example, an order of the board of street commissioners establishing building lines on a street in Boston was held to operate as a taking of private property for public use under the power of eminent domain. *Curtis* v. *City of Boston* (247 Mass. 417, 142 N.E. regulating the distances of buildings from the centerline of an adjacent street 95 (1923)). However, where the apparent purpose of a municipal bylaw regulating the distances of buildings from the centerline of an adjacent street was to aid in the prevention of fires and not to create a building line, the bylaw was held to be a valid exercise of the police power. The supreme judicial court declared: "The bylaw is constitutional as thus interpreted, even though no provision is made for the payment of damages to owners of property injured thereby." *Slack* v. *Inspector of Buildings of Wellesley* (262 Mass. 404, 405, 406, 160 N.E. 285, 286 (1928)). An early Massachusetts case raised the proposition that a statute limiting the height of buildings proximate to the Statehouse was a taking of petitioner's property under the right of eminent domain and that he should be compensated accordingly. The court answered the contention by declaring that had the legislature chosen to enact such a statute in the exercise of the police power and made no provision for compensation, the statute would not have been unconstitutional. *American Unitarian Association* v. *Commonwealth* (193 Mass. 470, 79 N.E. 878 (1907) (dictum)).

There have been indications from several jurisdictions that there is a definite limit to the extent to which a municipality may restrict the use of property under the authority of the police power. The Supreme Court of Iowa, considering a zoning bylaw which prohibited the continued use of the plaintiff's billboards or permittted their use only at the option of the city council, stated:

"The nub of this case is found in the question of whether or not the municipality may, by enacting a zoning ordinance, destroy or take the private property of plaintiff without compensation, especially when prior to the enactment of the ordinance the plaintiff had expended substantial sums, as disclosed by the record, in constructing and operating upon lands owned or leased by it a lawful and useful business or occupation which was not a nuisance." *Stoner McCray System* v. *City of Des Moines* (247 Iowa 1313, 1322, 78 N.W. 2d 842, 849 (1956)).

Answering its question, the court declared: "The portion of the ordinance denying appellee the right to continue the legal and useful business upon its property cannot be upheld unless just compensation is provided for the taking, and to this extent * * * [the bylaw] * * * is invalid" (247 Iowa at p. 1324, 78 N.W. 2d at p. 850. Accord, *Central Outdoor Adv't Co.* v. *City of Indianapolis* (202 Ind. 85, 172 N.E. 309 (1930)).

The Iowa case stressed the fact that plaintiffs had expended substantial sums in reliance upon previously issued permits. The Indiana case held a similar ordinance invalid only to the extent that it operated retroactively. Certainly the sharper and more immediate economic impact of a restriction or prohibition of an existing nonconforming use, which does not constitute a nuisance, is more nearly an appropriation of property that is the more indefinite loss which results from restrictions upon the future use of property.

In considering the constitutionality of the Nantucket Historic Districts Act, the purpose of which was "the preservation and protection of historic buildings, places, and districts of historic interest," the supereme judicial court emphasized that title to the property continued to remain in the owner:

"* * * there may be many regulations and restrictions upon the use of private property under the so-called police power which do not amount to a taking of the property and which rest upon the general power to legislate for the public safety, health, morals, and welfare. We are of the opinion that the proposed act is not a taking. There is no provision for a formal taking and title will remain in the owner as well also the possession and usufruct for nearly all purposes, even though restricted in ways that conceivably may in occasional circumstances bear down heavily (*Opinions of the Justices*, 333 Mass. 773, 777; 128 N.E. 2d 557, 560 (1955).

In light of the latitude generally accorded the exercise of the police power, we believe it extremely doubtful that zoning bylaws which would operate prospectively and which would allow undisturbed title to remain in the owner could be held unconstitutional as a taking of private property for public use without compensation.

II. THE LEGITIMATE EXERCISE OF THE POLICE POWER

The supreme judicial court would probably regard zoning bylaws, which, to a large degree, are conditioned by the esthetic considerations inherent in the purposes of a national park, as a legitimate exercise of the police power. In *General Outdoor Advertising Co.* v. *Dept. of Public Works*, 289 Mass. 149, 193 N.E. 799 (1934), the court indicated by way of dictum that even if the regulations restricting outdoor advertising were not grounded in the public welfare and safety, "the preservation of scenic beauty and places of historical interest would be sufficient support for them" (289 Mass. at p. 187). The Court has approved the expansive construction given the concept of the public welfare by the U.S. Supreme Court in *Berman* v. *Parker*, 348 U.S. 26 (1954), declaring: "There is reason to think that more weight might now be given to esthetic considerations than was given to them a half century ago" (*Opinion of the Justices*, 333 Mass. 773, 779 (1955)).

A municipality's exercise of the police power is subject to the guaranties of the Federal and State Constitutions. Virtually all of the constitutional issues which have tested the validity of zoning bylaws in Massachusetts have been raised under the 14th amendment of the U.S. Constitution. The test which has generally been followed is that set out by the Supreme Court in *Village of Euclid* v. *Ambler Realty Co.*, 272 U.S. 365, 395; 47 Sup. Ct. 114, 121 (1926): "* * * it must be said before the ordinance can be declared unconstitutional, that such provisions are clearly arbitrary and unreasonable, have no substantial relation to the public health, safety, morals, or general welfare." In those cases where the property owner objects to the particular application of a zoning bylaw upon the grounds that it violates the 14th amendment, the burden rests upon him to prove that the act has no substantial relation to the public safety, health, or welfare, but amounts to an arbitrary, unreasonable, and oppressive deprivation of his interest in the property. This burden was sustained in *Noctow* v. *City of Cambridge*, 277 U.S. 183; 48 Sup. Ct. 447 (1928), where the plaintiff's property was included in a residential district despite the fact that the immediately adjacent land was used for industrial and railroad purposes. The Supreme Court held the master's finding conclusive:

"* * * the districting of the plaintiff's land in a residence district would not promote the health, safety, convenience, and general welfare of the inhabitants of that part of the defendant city, taking into account the natural development thereof and the character of the district and the resulting benefit to accrue to the whole city * * *" (supra).

In *Barney and Carey Co.* v. *Town of Milton*, 324 Mass. 440; 87 N.E. 2d 9 (1949), the petitioner's property consisted partly of marshes which were flooded at very high tides and partly of filled land unsuitable for the construction of heavy buildings. The supreme court held that the zoning of the property for residential purposes only violated the provisions of the constitution of the Commonwealth and the Constitution of the United States. In the case of *City of Pittsfield* v. *Oleksak*, 313 Mass. 553; 47 N.E. 2d 930 (1943), the defendant owned 328 acres of farmland which included 115 acres of prime timber located 3½ miles from the center of town. The property was districted in a "residence A" zone which forbade the erection of any structure for commercial purposes. The court decided the bylaw was unconstitutional in its application to the defendant and upheld the dismissal of a bill praying for an injunction to restrain the defendant from carrying on the business of cutting and sawing timber on his property.

III. ZONING AND THE LAND OUTSIDE THE PARK

A meaningful test of constitutionality, particularly in our context where the zoning bylaws will be implementing a larger plan, was suggested in the *Pittsfield* case:

"The correct decision, which often varies with the circumstances of the particular case, depends upon whether the bylaw can reasonably be thought to have some tendency to advance the interests of the public, either in the direct consequences or indirectly by upholding the integrity of a system that as a whole may reasonably be thought to promote the interests of the public" (*City of Pittsfield* v. *Oleksak*, 313 Mass. 553, 555; 47 N.E. 2d 930, 932 (1943)).

We are of the opinion that zoning bylaws which meet the standards established by the Secretary of the Interior and which provide a comprehensive plan for that part of the town within the park's limits would be constitutional under such a test. But it would seem that the application of such bylaws to that part of the town not within the limits of the park would generally be unconstitutional. It is believed that in many instances the Secretary's standards would create unreasonable and oppressive restrictions upon the use of property which is related only by proximity to the Cape Cod National Seashore Park. Such an extension of the effective limits of the park to property not designated as park land might easily be found to be an arbitrary and unconscionable restriction upon private property rights.

In a somewhat different context the court has warned that "A zoning bylaw cannot be adopted for the purpose of setting up a barrier against the influx of thrifty and respectable citizens who desire to live there * * *" (*Simon* v. *Town of Needham*, 311 Mass. 560, 565–566; 42 N.E. 2d 516 (1942)). In the light of the particular uses to which property on Cape Cod is devoted and the area's capacity for accommodation of summer visitors, we feel it extremely doubtful that the restrictive standards of the park could legitimately be extended to adjacent property.

Senator Moss. I also have for inclusion in the record a letter written to me by David M. Davis of Snow Inn Road, Harwichport, Mass.

(The letter follows:)

CAPE COD WIND & WEATHER INDICATORS,
Harwichport, Cape Cod, Mass., December 10, 1959.

Senator FRANK MOSS,
Chairman, Subcommittee on Public Lands,
Committee on Interior and Insular Affairs,
Eastham, Cape Cod, Mass.

MY DEAR SENATOR MOSS: Please put the owners of Stage Island on the record as being strongly in favor of the exclusion of Morris Island and Stage Island, Chatham, from the proposed Cape Cod National Seashore Park.

We have decided not to take the time of your committee at this hearing, and intend to rely on the able presentation of the case for exclusion by Selectman Robert McNeece of the town of Chatham, and also the brief prepared by the attorneys for Edward R. Noyes, the owner of most of Morris Island, with whom we worked closely, on the preparation of the brief.

We made our views known, and presented our arguments, in letters to Senator John F. Kennedy, dated September 17, 1959, and to Senator Leverett Saltonstall on the same date.

At this time, may I congratulate you on the way you are presiding over the hearing in Eastham.

Respectfully yours,

DAVID M. DAVIS.

Senator Moss. Mrs. Freeman, you may go right ahead.

STATEMENT OF ELIZABETH E. FREEMAN, GULF POINT ROAD, WELLFLEET, MASS.

Mrs. FREEMAN. Senator Moss and Congressman Keith, I am appearing here as an old Cape Codder and an individual owner, one of those unpredictable individuals to which Judge Biddle referred this

morning, because I feel very definitely that the national park as it is proposed instead of preserving the cape will destroy the cape and I am going to confine my remarks to just 2 or 3 minutes in connection with one feature of that destruction that I pointed out to Mr. Thompson in Washington the other day when I visited him at the park department.

While I feel that the national park is a worthy idea and feasible in a much more limited form, I am unalterably opposed to it as it is at present suggested. I wonder if the Department of the Interior realizes that in their zeal to perpetuate for all mankind the natural beauties of the shore and beaches, they will destroy another feature of natural beauty, that is our Cape Cod villages. These should be as much a source of pride to us as are the beaches for nowhere could you find more charming villages. As the taking of so much land for the park brings about the inevitable loss of livelihood enjoyed at present by many carpenters, plumbers, and such, these people must look to the park for their livelihood, or in other words, they must build motels, tourist homes, restaurants, campsites, trailer parks to care for the hordes who are expected to come here. You cannot get away from the fact that the park can operate only for 3 or 4 months in a year and during this time the inhabitants of the town must get their annual income. The buildings erected will certainly not be of the best type for each person will be looking for the most he can get from his investment. Past experience has proved that the towns just outside the park limits have become absorbed in catering to the tourists with the result that there are blazing neon signs, motels, restaurants, and such.

Should we be expected to preserve the shoreline according to the national park standards and ruin our villages when we have done such a superb job of preserving both to date? Cannot we continue to welcome tourists, offer them our facilities at beach and ponds free and still continue to preserve our way of life and our natural beauties?

Only last Saturday I completed a survey of the graves in the old cemetery on Route 6. I read and recorded the inscriptions on over 800 graves, covering the period from 1730 to 1940, over 200 years. These are, for the most part, the graves of the ancestors of the old families here in town. When I think of the labor and love these families put into the building of this town, when I see the heartbreaks they suffered in the loss of so many children, I wonder how they could build so well. May not we, their descendants, and I am the seventh generation of Freemans to live in Wellfleet, continue their fine work without outside interference? We, more than the park department, are interested in preserving the town as a whole.

I thank you.

Senator Moss. Thank you very much, Mrs. Freeman.

A. I. Henderson of Great Island, Wellfleet, Mass., is our next witness. He will be followed by Prof. Serge Chermayeff.

You may proceed Mr. Henderson.

50801—60——13

STATEMENT OF A. I. HENDERSON, GREAT ISLAND, WELLFLEET, MASS.

Mr. HENDERSON. My name is A. I. Henderson and I am appearing on behalf of myself and my wife. We are not legal residents of Massachusetts, but we are very substantial taxpayers in the town of Wellfleet. My wife owns Great Island to which Mr. Frazier referred and she and I also own about a fifth of Griffin Island. I formerly owned all of Griffin Island, but after I got it registered in the land court just after I returned from overseas I started selling that off under my own zoning restrictions. Mr. Frazier more or less described those restrictions.

I also gave the town of Wellfleet at that time about 10 or 11 acres of land on Cape Code Bay with about 925 feet of frontage on Cape Code Bay to use as a town landing. That is the duck harbor or landing.

My wife and I both believe that the proposed park area is much larger than is desirable. We feel that this is compromise, as Mr. Biddle and other witnesses have indicated and while it might be very nice for the people to have as large an area as that, the park should be satisfied with taking the great outer beach which was the avowed purpose of the park, and gradually acquiring the 15,000 acres about which various governmental agencies now own which ought to be enough park, I think, to meet the recreational needs.

Obviously, I have a stake in this and my opinion is biased but perhaps the people who have a stake's opinion is a little more valuable than some of the people who had no interest but were talking pure theory yesterday.

I would like to suggest a couple of amendments to the bill and make comments on two or three other sections.

Section 4, a provision in the last clause that the value of the right retained by the owner, that his occupancy for 25 years or life shall be deducted from the fair market value paid to the owner for his property. When you think about that, that seems to me to be a very unfair provision. This owner only gets the limited use for 25 years. He has not wanted to sell his property. He continues to pay the taxes on it. If he improves it he gets no additional compensation for it. He cannot change it or dispose of it. It is not a great deal to have the Government give it to him without paying for it other than the tax payment during that period. In fact, I think it is rank injustice to in effect charge rents for it.

Representative KEITH. Mr. Chairman, I have a different impression than you with reference to that particular property. You said he hasn't wanted to sell his property. This particular provision is only in the bill for the man who wants to sell his property under these terms.

Mr. HENDERSON. That is not quite a fair statement, is it? He is either going to have it condemned or he has to sell it.

Representative KEITH. No. No, his property would not be condemned if it was in an area where there was the zoning, first of all. And secondly, if the zoning is not enacted, we revert to the situation that was outlined here by Conrad Wirth and the established practice of the Department where they would only seize property where there

was a nuisance value or I should say a nuisance factor which made it unattractive to the established purposes of the park.

Mr. HENDERSON. I am not talking about seizing property. The owner may want to sell it. My definition of owners wanting to sell is a little different from yours, perhaps.

Representative KEITH. Yes.

Mr. HENDERSON. Many owners, including probably myself, who want to sell because we don't want to live in a park, we haven't set up the park that made us want to sell. And there are a great many people in that position. Take people who bought lots from me on Griffin Island with a view to building a house later on with which to retire. They didn't want to keep that land. What use is it to them. They can do nothing with it.

Representative KEITH. Well, I interpreted he doesn't want to sell in a different light than you do. You mean he just doesn't want to live in the area?

Mr. HENDERSON. Yes, sir.

Representative KEITH. You are talking about the man who wants to continue to live in the area after he sold the property. It seems to be inconsistent. I don't want to belabor the point.

Mr. HENDERSON. I grant you your attitude toward your property is a different one. You may continue, you may say you want to stay in the area but you may have wanted to stay in the area and pass that land on or get rid of it when you wanted to or sell it or change it or add to it or leave it for your children or grandchildren. What you are doing is being told you are going to have a limited right to use it, Mr. Keith and it is a very different thing from outright ownership.

Representative KEITH. The only point I want to say is this, is if the man wanted to sell his property and continue to live there that he should probably pay, probably receive less money than the man who wants to make clear-cut transaction and sell the property and move out. The man who chooses to sell the property and continue living there, it would seem to me justifiably should receive a lower price for his property than the man who chooses to sell his property and move out. It seems to me that is fair.

Mr. HENDERSON. I don't agree with you. I don't think it is fair. That is a matter of opinion. It seems to me that you are treating and taking land from anybody, whether it is taken by compulsory purchase or a taking, the owner gets a rough deal in practice, and we all know it.

Representative KEITH. I understand.

Mr. HENDERSON. He has had a rough deal already at the present time in that his right of dealing with his property was suspended from the day the park was announced and will be suspended until the park is ready to fix its boundaries and provide the money to deal with the property and establish the park in and so on.

Representative KEITH. Under your theory the man, then, who sells his property and does not continue to live there should receive more than the fair market value?

Mr. HENDERSON. No. He should not.

Representative KEITH. At any rate——

Mr. HENDERSON. He probably should receive more than he is likely to get from the Park Service, Mr. Keith. If that is what you mean. Because that has been the history generally, as we all know.

Senator Moss. You may proceed, Mr. Henderson.

Mr. HENDERSON. This is Mr. Keith's time, sir, not mine.

Senator Moss. That is all right.

Mr. HENDERSON. I have another suggestion. I think that the owner who has got excess land which he can donate or who is an investor who wants to sell his land or possibly an estate should have the right to compel the park to deal with him within a reasonable time. The present situation is and it may not always be the park's fault, it may be the fact that Congress has not provided adequate funds, the Service can sit and look at property and wait until pressure on the owner is such that he is willing to accept any terms which the Park Service is willing to offer. That is with all the best intentions in the world the owner is squeezed in that kind of a deal by delay. He has to maintain the property. He has to pay taxes. He would like to get his money out and do something else. It is not only there is going to be excess land, a lot of owners are going to have more than their improved property. That land has to go sometime. There are a number of people in that state. I won't give the details of the amendment. It is in the statement. My suggestion, it is something I think ought to be met.

I would like to comment on three other sections of the bill. I think that it would be most advisable to omit section 5 and fix the smaller boundaries of the park, take that 10 percent and get it out of the park now. I don't believe that is something that can be settled in a town meeting and I think it should be settled promptly. Those are two. I think it much better if it can be done now and I believe it can be by negotiation of the town service and the selectmen.

The zoning section seems to me in bad need of revision. We got from you, Mr. Keith, and from Senator Saltonstall, two different interpretations yesterday, and afterward a member of the staff said, I think, that he didn't think either of you were right. I personally think they are based on a misconception. As far as land within the park area is concerned, it seems to me that those in effect, zoning, if you want to call them that, should properly be handled by, I think Mr. Shaw suggested something of this kind by direct relationship between the Secretary of the Interior, who would establish regulations and the owners in that land should be required to follow those regulations or the suspensions of condemnations with respect to their property would be terminated. When you come into the area which is not involved, it seems to me that that is properly a town function in which the Federal Government should not interfere, and that any attempt to try and compel the towns to act is likely to result in litigation, bad feeling, and I doubt if it will be successful.

I am strongly in favor of the towns adopting adequate zoning laws, but I believe that you are more likely to get it if you put public opinion and pressure on them and not legal pressure but urge them to do it, encourage them to do it, I think you will get a better law and get one with a great deal less difficulty and less bad feeling.

The last thing I want to say, and I have indicated something of the point already, is that speed of action in every respect is very impor-

tant to all the people involved. This business of not knowing whether your land is in the park or out of the park or what you are going to do or be able to do with it or you can't get rid of it, or can't sell it, you can't build on it, all of these things are very disturbing to everybody. It is just not economic. It is emotional as well. And something ought to be done to speed it up by first enacting the bill promptly. Secondly, by urging the Park Service to act promptly; and thirdly, by providing adequate money right here and now not subject to the Appropriations Committee if you can do it, so that it will be available for the park to take action and pay for the land it acquires, and so on, and maintain the park properly.

Thank you, sir.

Senator Moss. Thank you very much, Mr. Henderson. I am sure on that last point of yours that we concur wholeheartedly that the issue should be settled and decided just as quickly as possible. I am sure it is important for everybody.

Senator Moss. Mr. Chermayeff is the next witness; Mr. Lieb will follow him.

STATEMENT OF SERGE CHERMAYEFF, HARVARD GRADUATE SCHOOL OF DESIGN

Mr. Chermayeff. My name is Serge Chermayeff. I am an architect and consultant planner by profession, and I am an owner with my family of some land in one of those beautiful pieces of the cape, namely, in that group described by Mr. Frazier, Randel Pond.

We are something like 1,000 feet away from the Thoreau House where the great Cape Cod diaries were written. We had something of Thoreau's feeling, I suppose, when we got there in the first place.

I want to apologize to Mr. Nickerson for daring to love the cape after a flirtation of a mere 17 years. I hope he will overlook the shortcoming on my part.

Nevertheless, within this 17 years a lot of things have happened and I will speak first on a personal basis and then turn, if I may, to some professional considerations.

We brought up two sons there and they learned to swim and my first granddaughter is learning to swim there now. I was looking forward to this continued amenity for many grandchildren. On the other hand, in this 17 years we have observed that the real amenities have been whittled away, slowly but firmly and to a very large extent, as a matter of fact, by the very houses of which Selectman Frazier is so proud. There are so many roads intruding into the property described by many speakers, small landscape that is being carved up slowly but firmly and the erosion by this action, in fact by the small-house-economy-minded towns is in fact destroying the natural resources in exact proportion to the taxable returns.

I don't believe, however, that—and now if I may, I will speak professionally—that this is really the only path for the cape townships to follow, and I want to draw attention to some points which perhaps the other speakers did not particularly emphasize but which I think are absolutely vital for the consideration of the whole picture.

To begin with, it must be admitted immediately that whether we like it or not on the cape, the cape has become accessible to an ex-

traordinary degree and Mr. Foster, I think, made this point very, very clearly. If we consider the Connecticut, the Massachusetts Turnpike alone, the completion of Route 3 with practically straight run through Boston, which means that the whole of the Boston near north side is already within 2½ hours of the tip of the cape, the lower cape, there is a writing on the wall here. If you couple this purely local physical fact and also Mr. Foster mentioned a larger populated eastern seaboard, you will then see that the likelihood of millions of people being within easy reach of the cape is upon us. Therefore, the change coming to the cape for these mobile reasons alone, added to the exploding population reason, means that it has to change.

From a planning point of view it is absolutely essential to grasp this and to become reconciled to change in spite of all of the nostalgia for the unchanged cape. The cape will change.

I personally am entirely for the park bill because I believe that the intervention of this very large measure of control will in fact give a certain braking power to the change in the cape and will enable, if it is properly handled, these brakes to be not only legitimately distributed over the whole of the pressures exercised but will in addition to this give the first time, I think, an opportunity for what I would call total planning.

The cape in its very nature and scale is so small, as many people have reiterated, that one cannot consider the park interest on the one side, the town interest as a separate entity of interest and responsibility and one cannot above all omit from consideration the great highways which feed this dead end.

From the point of view of the efficiency of the highway, for instance, north of Orleans up to Provincetown as now currently conceived and aggravated by such lamentable proposals as the Truro zoning, will mean that the great flow of traffic will back up all the way to Chatham and probably to Plymouth, to say nothing of the astonishing dangers which will begin to operate when the people start shopping around and will make a sudden left turn in the middle of fast-flowing traffic. We have already seen an increase in this kind of thing and this is bound to continue. What I am really suggesting is that the change and the pieces in the Cape Cod puzzle must be considered as a whole.

I think I am probably not in the minority in this case but I really am a little skeptical, and I think it should be voiced of the ability of individual towns to control their destiny in terms of the future. There is also a sort of curious assumption that the towns have an independent life apart from the proposals of the summer pleasure.

They only do in one rather interesting respect and I would like to dwell on this because nobody else has mentioned it. I think the moment that one gets a tremendous increase in accessibility, this is speed of reaching the cape, and secondly, when you get additional amenities such as a controlled park area, you will get the possibility of new economy, not the small-house economy, but the development of such facilities as are unique.

I think, for instance, that the whole of the Wellfleet area, and there are some figures to support this economically, could indeed be developed to take over some of the business currently being conducted by Provincetown but Provincetown already has reached saturation of its waterfront and there is outmigration from Provincetown. We

are not so much squeezed against the sea as they have exhausted the possibly of the exploitation of their seafront which is why people go there in the first place.

There is, however, a possibility now of re-forming the whole of the Wellfleet Bay area and I think for that certainly the Wellfleet fathers should be highly complimented because there is a harbor facility there and I believe that if this were properly developed there would be ample room within the so-called densely populated area of Wellfleet for all the future development that they need economically speaking.

I just don't believe that they need to spread all over the country with little tiny houses in the woods which will, as I said previously, erode the very assets which they are anxious to preserve.

We are, as a matter of fact, if I may just tell you, doing a study of this very area, in the graduate school where I am a professor at Harvard, and I think this will be of some interest to Wellfleet if it is not interesting to the proponents of the bill, but I believe it will be of interest to everyone.

There are many, many points which I would like now, to, if I may make by simply saying that Judge Biddle and I have agreed—in fact he made my speech for me about 75 percent so I am very happy that I shall not occupy that time.

On the other hand I do differ from him, not in law but on other issues. I really think that if one just looks quickly at the map of Wellfleet that the confliction, the whole time voiced by all the speakers in the hearings of a day and a half now, the conflict between recreation and conservation may only be resolved in one arena, and I am saying this entirely against my own private and personal interests although I would like it surrounded as Mr. Murphy said, and protected, I hope, by an adequate number of wardens from the deprevivations which I as a personal owner cannot stop. I cannot enforce trespass law. I cannot prevent people from running over the cranberry. Some of the finest stretches of cranberry within our walking distance has been ruined not only by, shall we say, foolish people from outside but actually by the Coast Guard itself using the most devastating dock implements weighing tons. So that in fact without this control I would not only want to be here. I also want to be wrapped around by the protective arms of the park. The whole of the piece of land which stretches from the Wellfleet-Truro boundary right across the wide of the cape is the only area large enough, a consolidated piece of ground to maintain its own conservation. In other words, there is enough there to make in fact a refuge for wildlife and so on.

I furthermore completely disagree that there is nothing on the bay side. On the contrary, I think it is one of the most attractive aspects of the whole of this business. For instance, if there were a sunset road linking Route 6 somewhere close to Truro and back through Griffin Island and feeding in from the west into Wellfleet, it would not only provide a magnificent experience for the park visitors who would then see the sunset and would see the daily migrations of these millions of birds down to the feeding grounds of Jeremy Point, which Mr. Henderson knows so well, but in addition they would feed the economy of Wellfleet, so I think Wellfleet, as a matter of fact, would only gain if there were this ring around.

There is still lots of land to the south which could be developed on a less popular level in the cove and there is in fact room for a small airfield for such distinguished guests that may arrive in autogiros.

The point on which I particularly agree with Judge Biddle, however, is a very important and crucial one. I think that the uses of the park must be strictly limited. Really, the great recreational facilities, and I am talking about now appropriate scale, could only be perhaps a piece of the outer beach, either east or west, might be attached to say, Gull Pond because it is a large pond, possibly long pond, because it is already contiguous with a well-established road.

As for the rest everything there is—somebody, I think it was Mr. Shattuck, said charmingly yesterday—it is a miniature landscape. A parking lot for even a hundred cars would leave a gash in those woodlands far larger than some of the bodies of water.

As you probably all know, the ecology of traffic is remarkable. Even the simple footpath changes the whole of the natural adaptation 500 feet on each side. A road, even a single-track road allowing motor vehicles changes the ecology a mile, half a mile on each side of this track. This means unless cars were rigorously excluded except for such private houses as may remain in the area, the very conservation which you speak of would disappear. It would simply not function because of the true scale. So I think that everything that several people said and emphatically Mr. Biddle about limiting the recreational function within this are of the utmost, the most vital importance and I speak here perfectly objectively and not as an owner who does not want picnickners on his doorstep. It is true I don't. But nevertheless I think this objectively could be said and I think it should be very seriously considered by yourself.

I would like also to suggest that there is some inadequacy in terms of the 3-acre provision. In fact, this 3-acre provision, provided that the land was not further built on and was kept in its natural state has not much meaning. It is too arbitrary. It is a purely quantitative measure. In some cases an owner might well be satisfied within the park area with something less if it coincided with a true amenity such as contact with water or whatever it might be.

In some cases he might need more because there would be an uninterrupted view involved. But in my case it seems to me that this really should be negotiated very, very carefully on individual merits.

There is, furthermore, Senator, one other point which I think is very peculiar in the bill. I can't recall exactly where it occurs. I don't have a copy. I am sure you will recognize it. It does give the Secretary powers to step in if he feels it proper between an owner and some amenity such as water access. In other words, there is here some contradiction which would make acquisition rather equivocal in terms of its actual working out. I am just suggesting this is a point that might well be looked into.

Everybody, apparently, it seems has had some objection to the 10-percent provision within the park. I, myself, say that I personally from a planning point of view would completely agree with Professor Eliot's suggestion in that matter. Again this 10 percent is a quantitative thing which has no special meaning. It does possibly provide some leeway. It is a promise of some marginal adjustment between

towns and park. It does not have in any way recognition of the interest of the roads and the limited access problems which I previously mentioned. I think it is extremely important that it should not appear as it does in this thing, but what I am going to suggest is, and I do not know if it is constitutional and legally possible, but if it were, if a moratorium could be called until the enactment of the bill on any legislation in terms as far as zoning or anything else and that the various interests could get together and plan very carefully from the point of view of their very common and very tightly interlocking interest, this 10 percent might be plus or minus and it might in fact produce far greater advantages than this blind provision and furthermore, it would eliminate the necessity which I could foresee for the repeal of any zoning ordinances which would be passed in a hurry and without a plan requiring a two-thirds majority of an extremely clumsy instrument and no doubt they would just stick around for too long.

There is no doubt in my own mind that the plan should come first and the zoning ordinances come second. On the other hand, and this I would like to emphasize again, as I am absolutely sure that any further delay in the passage of the bill would be of the utmost damage to the amenities and the future of the cape and this must above all be hastened but I hope that there may be, therefore, a legal and constitutional method of giving us pause in order to arrive at the proper way of fixing the boundaries. The boundaries at the present moment are generally, perhaps, correct, but in particular they are totally arbitrary. I am also going to suggest, if I may, that there is a very important question which is being raised in various ways. The beautiful scenic view from the highway right up to Orleans is, of course, guaranteed by the limited access road. From Orleans up there is no such control. There are several aspects of this road problem. I think it again purely quantitative. Frankly, footage has no meaning in relation to small antique landscape. There are many places, such as at South Wellfleet, where the cape is at its narrowest neck where again the western view down the estuary is wonderful, where there should be a place where people can stop and look at this magnificent sunset view and this characteristic cape. There is another Herringbrook situation which should be preserved as a viewing port. Farther north we get similar situations. When we come up North Truro to where the road runs between what is probably the greatest dune in the eastern seaboard, really dramatic demonstration of the whole nature of the cape's sand drift, to the east, to the left is a row of not such white and tidiness little cottages at all but is a row of garbage which blocks the whole view of the bay and yet if it had the control there, there would be the unique place in which one could see east-west cape in one great glance. I think, therefore, that the whole of this road should be considered as an essential part of the park amenity problem and that the conservation of the highway in respect to the park and limited access should be enacted if it is at all possible to do so in collaboration with the authorities in the Commonwealth.

I have one more suggestion, if I may, Senator, in concluding. It would seem to me that the advisory committee of which everybody has spoken should be given more powers and in fact it has occurred to me that there may be a constitutional and legal possibility which will

not, I think, rob anybody of any particular authority. This jealously guarded private right in a public situation seems to be somewhat obsolete in concept. I think there might be appointed a Cape Cod planning board on which would be serving by whatever mechanics may be devised representatives of the Secretary, of the Commonwealth, highway commission, of the county, Barnstable, and of the townships involved. This planning board would then be in the position to initiate master plans, all kinds of supervisory tasks such as the elimination of unsightly skyline building, some control in critical historical points and still have architecture, shall we say, controlled deforestation and arbitrary cutting down of trees and things of this kind as well as act in an advisory capacity to everybody and they would also draw up jointly ordinances and building bylaws which would then cover the whole of the lower cape area so that there would be a uniformity and control and total understanding of the, as I say, total problem. I really believe that the cape needs the park as a protective measure and I am quite sure it is not a unique and separate element. It is an integral part of a very small but beautiful place.

Thank you very much.

Senator Moss. Thank you, Professor Chermayeff. It was a very excellent presentation. We appreciate it.

(The following communication, containing three appendixes, was subsequently received:)

HARVARD UNIVERSITY,
Cambridge, Mass., December 21, 1959.

Mr. RICHARD L. CALLAHAN,
Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CALLAHAN: Further to my testimony on the Cape Cod Park given at Eastham, I enclose herewith three appendixes for inclusion in my testimony.

1. Revision of a prepared text, which I withheld at the time of the hearing, being a summary of my remarks.

2. Comment on the testimony and attached map, submitted by Charles Frazier, a few minutes before my own appearance.

3. Outline of a study program for Cape Cod (alluded to briefly in my testimony) being conducted by the Graduate School of Design at Harvard. All the material—diagrams, maps, plans, and models—will be completed before the Washington hearings, and are, of course, at your committee's service should you want this.

Sincerely yours,

SERGE CHERMAYEFF,
Professor of Architecture.

APPENDIX 1. SUMMARY OF TESTIMONY AT THE CAPE COD HEARINGS ON THE NATIONAL PARK

I. URGENCY OF PASSING THE NATIONAL PARK BILL

It seems essential that the preservation of the unique piece of eastern seaboard should be assured. As it is the measure is an 11th-hour measure, and the continuing obstruction to the passage of this bill and its delay will lead to the continued destruction and abuse of this natural resource area. Already the innumerable roads and telegraph and telephone poles reaching across the dunes and through the woods have carved up what was originally a modest-scale landscape, if we except the great reach of the eastern beach.

The new Cape Cod highway is in danger of becoming an indiscriminant ribbon development between Orleans and Provincetown, that is the gateway to the park.

One can cite examples of the proposed park area erosion, such as—

(*a*) The continuing building of small summer houses, widely scattered throughout the area, all requiring long access roads and driveways, electric power and telephone poles, which are carving up the woodlands and dune-

lands at a rate and in a dimension out of proportion to the relatively small numbers of people and short periods of occupancy.

(*b*) Coast Guard heavy vehicles being driven purposelessly over some of the finest cranberry cover remaining in the region of the Wellfleet-Truro boundary.

(*c*) Continuous damage to undergrowth and particularly the cranberry, which does not recover for 5 to 7 years, by indiscriminant driving and parking of picnickers' and hunters' cars.

(*d*) The frightening of birds and other wildlife by the use of outboard motors on small ponds.

Such vandalism and destruction by trespassers on private property cannot be prevented by the owners. These are quite unable to control proper use of their land or to enforce trespass law, and I should add that as a result of the last few years' experience and observation I am very skeptical of the town's willingness or ability to protect the natural resources of the cape.

II. LIMITED USE OF LAND

Although in general agreeing with the admirable purpose of this bill, I must draw attention to some of the weaknesses in it as presently drafted.

(*a*) The language of the bill describing recreational facilities suggests a concept based upon wilderness experiences elsewhere and design for a landscape of far greater scale than the scale and narrow width of the proposed Cape Cod park. Everything in the proposed park area, including most of the bodies of water, trees, etc., is in the small scale. A parking lot anywhere except immediately adjoining the great Atlantic beach would be hopelessly out of scale within the woodland. Indeed a parking lot for 200 or 300, such as might be required by the park, would be as large, if not larger, than some of the bodies of water and would leave a permanent scar on the landscape.

It is for that reason almost essential to limit the use to which the wood and pond areas of the park should be put. Excluding all motor traffic and roadbuilding, camping and picnicking sites would automatically have to be removed if the car is to be kept out, as it would be if conservation is one of the aims of the national park.

(*b*) I would recommend only footpaths in the woods for public use and under the strictest control. Possible exceptions for car access might be Great Pond and Gull Pond because of their size, and Long Pond because of its location next to an existing heavily traveled road which in all probability would lead to a beach outlet. A sunset drive along the bay beach from Great Island up through Griffin Island is another possibility because of the relative depth and width of the park area north of Wellfleet.

From the point of visual enjoyment it should be noted in any case that even a footpath affects the ecology in a swath of some 500 feet wide, a motor road widens this ribbon of destruction to 1 mile.

I would also strongly recommend within so small a landscape with characteristic skylines the prevention by law of all skyline structures, such as the Government radar installations and all houses on a skyline seen at a distance unless thoroughly screened by trees.

III. THE 3 ACRES

(*a*) If the limited use of the woodland and other than the great beach areas could be clearly defined and enforced by the park authority, there would be indeed no need for owners of houses within the park to retain more than 3 acres, and the suggestion made by Mr. Biddle would not be valid except in respect of saving money in the first place. Again, in relation to this, I want to emphasize that owners, if they were to retain the whole of their land, would not be able to enforce "no hunting" and "keep off" rules. This is only possible with the full weight of the park authority with their warden policing of the area.

(*b*) The 3 acre provision in the bill is a quantitative one which does not adequately recognize what constitutes the amenity and pleasure of any given property. This should be reworded so that the 3 acres be retained in relation to topography and special features such as pond frontage, view, trees, or whatever, of which the owner, if he be allowed to retain his house, shall not be deprived.

IV. TEN PERCENT WITHIN PARK

I strongly disagree with the provision for the retention of 10 percent of "approved" zoned land for the townships within the park area. This again is a provision made on a quantitative basis without any regard for the true nature of changes in our economy and mores in relation to the towns' location and potential for future development.

Suitable boundaries on the basis of careful master planning of each area and all interests involved should be established from the very beginning between park, townships and Cape Highway and should remain inviolable. The proposed park boundaries seem good in the general scheme, but possibly are somewhat unsatisfactory in some particulars.

In Provincetown and Orleans and more particularly in Wellfleet there is plenty of land for profitable development in the so-called densely developed town areas. Wellfleet, with which I am best acquainted, has in particular a great potential, presently undeveloped around the new harbor. This may well be as quickly lost as it was made without the protection of carefully considered zoning ordinances. Furthermore, the old town should not be abandoned as it appears to be now but should be developed as an historic center and winter resident's nucleus, instead of being allowed to become a blight.

I am quite confident that the proposed zoning for commercial use along the full length of the Cape Cod Highway in Truro is a terrible mistake which will do irreparable harm. Truro and Eastham probably require special treatment having no true town nucleus as yet, and this might very naturally take place in a limited access zone of the Cape Cod Highway. Certainly Wellfleet and Provincetown should have limited access development on the Cape Cod Highway.

All such future development will unquestionably require master plans and zoning ordinances in all the communities involved. With proper consideration I have no doubt the towns' genuine assets in a changing economy will be realized, and the time distance having been shortened by the Cape Cod Highway and the season for visitors will be immeasurably increased and many new activities made possible by a greatly lengthened season and intermittant all year round business. Under no conditions should the zoning chart be put before the planning horse. Premature and uninformed zoning actually inhibits good development and is very difficult to repeal.

Under such conditions in Wellfleet in particular it will be obvious that marine and sports facilities, a commercial center and, above all, new hotel accommodations become feasible.

I regret to observe that so far the whole economy of Truro and Wellfleet has been predicated upon the small house and roadside commerce for the summer trade. The zoning proposal in Truro suggests the continued divorce between summer and town people's interest.

It is interesting to note that Provincetown appears to have reached a saturation point and is now outmigrating according to information recently obtained and that the annual figures for Provincetown show that some $80,000 in construction payrolls represent only 2.7 percent of the town's economy. In Wellfleet by contrast $158,000 represents 41 percent of the town's economy. This is not because Provincetown needs more land, but because its attractions are closely tied to its picturesque waterfront. This certainly suggests that Wellfleet could get into something like Provincetown's business. I am quite confident there is more than enough room for prosperity of both.

V. THE CAPE COD HIGHWAY

The Cape Cod Highway is, in my opinion, the second greatest asset after the national park as an aid to the enjoyment of the Cape Cod landscape by the public. The immense acceleration and accessibility factor which this throughway now represents all the way from Boston suggests an equally immense increase in automobile traffic. Whether the park is established or not, the whole pattern of life on the cape is going to be inevitably and fundamentally changed and the people of the cape must adjust to these new realities.

The stretch of the Cape Cod Highway between the bridge and Orleans is a limited access highway with lovely outlooks. North of Orleans there are no provisions for the control of the views from the highway and the avoidance of commercial exploitation of flanks. This might become, even before the park is operating, a hot-dog or chowder-stand row comparable to the disaster at

Buzzards Bay. This would be analogous to an expensive and beautiful house seen through a barrier of spilling garbage cans.

Apart from any other consideration, the great highway of fast moving automobiles slowing up irregularly and without control for roadside stops where traffic density is greatest is a source of road danger. One accident may back up the traffic for many miles because of the deadend aspect of Cape Cod.

Provisions for State ownership of narrow strips of flanking land would not provide the necessary safeguards from either possibility. Limited access and concentrated commercial outlets for the towns involved may be controlled by various devices. Considerations of the scenic aspect from the highway, however, require careful definition in relation to the physical facts and not merely on a quantitative basis. For dramatic examples of this kind of thing let me cite South Wellfleet, narrowest neck of the cape, with a magnificent view down the estuary west, Herring Brook north of Wellfleet, the Pamet River estuaries in Truro, east and west. The dunes to the east and the stretch of bay water to the west between Truro and Provincetown where presently the sea view is totally obstructed by a row of little summer-rent huts facing probably the greatest dunes on the eastern seaboard. All this suggests that possibly the only satisfactory solution for the future is the inclusion of the Cape Highway within the park area.

Appendix 2. Comments on Testimony of Charles Frazier

Selectman Frazier presented among his diverse arguments a proposal for withdrawal from the suggested park area three pieces of land, designated as area 1 west of Cape Cod Highway, and areas 2 and 3 east of the highway.

As parts of his own testimony make quite clear, Frazier is perfectly aware of the characteristics of all three areas. Two and three are of course the unique pond groups of especial interest to the park for preservation. Gull Pond (in area 2) is the only pond large enough to accommodate a public beach, (there is one there now) without seriously interfering with conservation. Area 1 (in Griffin Island) is in its own way of especial conservation interest. Its withdrawal would cut in half an important landscape sea bird and flighting ground continuity.

The advocacy by Selectman Frazier for withdrawal of these three areas is not very convincing as a contribution to the public good. The only argument which might have been convincingly advanced would have been an open declaration by real estate investor Frazier, speaking on his own behalf, of his private interest in the three areas, including considerable holdings of unimproved property in each.

Appendix 3. A Planning Program for Lower Cape Cod and the Town of Wellfleet

(First stage of a study in the Graduate School of Design, Harvard University, Prof. Hideo Sasaki; students: department of city planning, Richard Mertens; department of landscape architecture, Rodney Cobi, Richard Kaplan, James Maeda, and Richard Rogers.)

BACKGROUND

In recent years much attention has been given by conservationists, the Federal Government, and other groups to the natural resources in the inexorable march of progress. In this matter particular concern has been voiced about the rapidly vanishing shoreline of our coasts, among which is the Peninsula of Cape Cod. Valued for its beautiful scenery, its interesting geology, its wealth of plant and animal life, and its colorful history, the cape has become one of New England's favorite vacation areas. The increasing popularity of the cape, however, is jeopardizing its natural and cultural values, and many of its attractions are endangered of being obliterated by development. In order to preserve this area for the future enjoyment of the public, then, the National Park Service has proposed the establishment of a national seashore park on the outer portion of the cape.

The proposed national seashore would be located within the boundaries of the six lower cape towns: Provincetown, Truro, Wellfleet, Eastham, Orleans, and Chatham. Each of these towns is a resort community, and its livelihood depends

primarily on the summer tourist and vacationist. The proposed park would cover approximately 30,000 acres, the amount taken from each town varying from a low of 10 percent of Chatham to a high of 60 percent of Wellfleet and 70 percent of Truro. As the development and use of the national seashore would emphasize and protect the natural and historic values, the provision of accomodations and related services would be left to private enterprise outside the park area.

THE PROBLEM

It is evident, therefore, that the establishment of the national seashore will have a profound impact—physical, economical, and social—on the six towns and especially upon their future growth and development. The inclusion of large areas of certain of the towns will mean a new thinking concerning patterns of development which must be anticipated. The ever-increasing influx of tourists will result not only in increased business for the towns themselves (and for the whole of Cape Cod) but also increasing commercial development which will certainly need to be properly controlled. The attraction of the park will also mean a rise in traffic, which will necessitate a careful study of the cape's road system.

Many of the lower cape's residents, however, emphatically express fear that a national seashore will quickly ruin the values of the cape which they cherish—the quaint villages, the delightful landscape, and a whole way of life. But it must be recognized that, park or no park, a change is inevitable, and increasingly so each year. Already the southern shore of the cape has been devastated by the uncontrolled commercialism of the past one or two decades—the pseudo-colonial motels and look-alike cottages, the Dairy Queens and chowder stands, the neon light and Coca-Cola signs. And choice land on the cape is being consumed for residential purposes alone at a rate of more than 300 acres annually. Slowly, but firmly, this same disease is creeping through the lower cape and, if not prevented, will quickly destroy the very values which have made the cape so attractive.

We believe, therefore, that the establishment of the national seashore park is indeed necessary to preserve what remains of a unique character and way of life and that, with proper guidance and design, the towns themselves may benefit in every respect by the creation of the park. Taking Wellfleet as an example, we have developed a master plan and have shown how the town may adjust to the development of the park to its own benefit. At the same time, we have illustrated that the form and the community of old Wellfleet need not suffer from the taking of the lands for the establishment of the park and from the changing conditions of the future.

ASSUMPTIONS

As a basis for the planning program for both the lower cape and the town of Wellfleet, we have made the following assumptions:

(1) Contrary to local opinion, the establishment of a park will not destroy the towns but rather will preserve the towns and the character of the cape as a whole.

(2) With comprehensive planning, of both the towns and the park area simultaneously, the town of Wellfleet and the other towns of the lower cape region can establish a pattern of future development that will not only preserve the values which characterize the cape but also will properly direct the changes that are now occurring and will occur even more rapidly in not-too-distant years.

(3) The boundaries of the park will be in general similar to those outlined in the Kennedy-Saltonstall-Keith bill (S. 2636).

THE PLANNING PROGRAM

(1) The lower cape region

(*a*) Certain adjustment should be made in the boundaries of the national seashore park in order to preserve areas of special scenic value; these areas include the strip of land between Cape Cod Bay and Pilgrim Lake in North Truro, now cluttered with an unsightly summer cottage development, and the Black Fish Creek-Lieutenant Island area in South Wellfleet.

(*b*) The preservation of the natural and biological features of the national seashore area should be given primary emphasis in the development of the park, and only those recreational activities consistent with this policy should be encouraged (e.g., swimming, hiking, riding, fishing). Roads for automobile use should be kept to a minimum and excluded from certain areas of the park (e.g., Monomoy Island).

(*c*) Areas of future town development should be delineated before the final establishment of the park boundaries, based on a careful planning study of both the town and the park area together; and further development should be eliminated from within the park itself.

(*d*) Town development should be concentrated in definite areas rather than spread out over the landscape as is the present pattern. Similarly, commercial development to serve the tourist and vacation market should be concentrated in special areas rather than strung along the highways to form commercial strips.

(*e*) Route 6 should be converted into a four-lane limited-access highway running through the park area whenever possible and yet give adequate visual experience of the historic villages. A limited number of access routes (two or three) should be provided from Route 6 to each town and also to the park area.

(*2*) *The town of Wellfleet*

(*a*) In order to preserve the particular character of Wellfleet Center, strict control should be placed on any additional development within the center, by means of architectural and design regulations.

(*b*) In order to emphasize the historic relationship between the land and the water and also to reactivate a lively atmosphere within the center, the commercial activity of the town should be extended to the waterfront and a new center established on the harbor. At the same time, marine facilities should be provided within the harbor, in close connection with the commercial activity, to provide a center of activity on the water as well as on the shore.

(*c*) Future residential development should be encircled around the present center. Approximately 1,050 acres have been set aside in the plan, and, at densities ranging from one-third family per acre (3-acre lots) to 3 families per acre, some 6,550 additional persons could be accommodated within the town.

(*d*) Transit and vacation activities should be provided for various types of summer visitors and should be concentrated in areas related to their function (transient motels near the highway, cabins for weekly and summer-long occupancy in the more remote and natural areas). Luxury accommodations, including a year-round hotel and marina could be provided, a whole complex being developed by a single developer.

(*e*) Because of its central location on the lower cape, Wellfleet is in a position to serve the auto-oriented commercial activities of the larger region of which it is a part. This activity, however, should be strictly controlled, with the establishment of a small shopping center near the main access highway.

(*f*) Within the town itself, marsh and lowlands should be preserved as open spaces, and natural barriers should be provided to separate the various functional activities provided by the town.

(*g*) Route 6 should be relocated to the east of the present highway, completely within the boundaries of the national seashore, and suitable access routes provided to the town and the park.

The plan that we have developed indeed represents a bold and imaginative way of looking at the future development of the lower cape region. We have tried, however, to show a new manner of thinking, one that will preserve the historic and cultural values of the cape towns and yet provide an orderly pattern for the inevitable change that is now occurring.

Senator Moss. Our next witness is Werner Lieb. He will be followed by Dr. Madelane Winslow.

You may go ahead, Mr. Lieb.

STATEMENT OF WERNER LIEB, TRURO, MASS.

Mr. Lieb. My name is Werner Lieb. I speak for myself and for my wife.

Senator Moss. You are from Truro?

Mr. Lieb. Yes. I am a horticulturist since 60 years. I am very interested in conservation and I think during my lifetime I have created quite a few beautiful things. I founded the first nursery in Morocco and the gigantic eucalyptus in Casablanca were all raised by myself and planted partly by myself.

I am living now here in the United States since 40 years, coming to the cape since 30 years. I have a very short exposé here which I would like to read to you.

The bill before us, S. 2636, has the great virtue of considering the human side of the national seashore park issue. It gives specific assurance to guarantee the homeowner within the proposed park area continued ownership—subject to certain zoning provisions or easements. This is the most vital feature of the S-K-K bill, if you consider the human element the most important factor.

Let me illustrate this problem which has kept us, and many of our friends, in constant anxiety for over a year since the national seashore proposal became public.

I want to give you a little example of a typical experience of the homeowner. We acquired 14 acres in the Pamet Valley in Truro in 1940 for a specific purpose namely, to develop it horticulturally. There we built a modern cape cod house 3 years ago and founded Truro Test Gardens, a proving ground for many varieties of vegetables, fruits and flowers, submitted by European and American plant breeders, also by the Horticultural Society of London. I, myself, have started extensive rhododendrens and azaleas. Dwarf fruit trees and grapes cover a hill and blueberry plantings are in the lowland. Around the house we created out of wilderness a garden spot resplendent with evergreens, roses and flowers of every description.

Without the provisions in S. 2636 we would have been greatly endangered in our economic security and faced with loss of years of concentrated labor and loving care. Now we are looking forward to leaving our beloved piece of land to our children and grandchildren.

However, we are not only interested in our personal welfare. As residents of the town of Truro we feel that the national seashore park takes far too much of the town's area and concur fully with the limiting proposal made by Antone Duarte on behalf of the Truro planning board.

The fact mentioned in the prospectus, or you might call it brochure—I call it prospectus—that 68 million people are within a day's drive of this area, is terrifying insofar as our highways are concerned. Has any thought been given to the fact that we have a three-lane inadequate highway as the only means of egress or entrance, on a 3-mile wide peninsula to take care of traffic from Orleans to the cape tip, where it must again be funneled back 30 miles again before reaching a diverting point at Orleans?

We love the cape and we have our roots here. We also endorse wholeheartedly the preservation of the beauty of our shoreline. However, if the project is presented as primarily a recreation center and playground, it will defeat its own purpose and transform the affected towns into just such places as the National Park System, and all of us want to avoid it.

We have confidence that our representatives will do everything in their power to keep our beloved lower cape as close as possible to what it has been for us since we have had the privilege to live here.

Senator Moss. Thank you very much, Mr. Lieb, for an excellent statement.

Dr. J. Madelane Winslow, and she will be followed by Louis DiPaolo.

STATEMENT OF DR. J. MADELANE WINSLOW, TRURO, MASS.

Dr. WINSLOW. I am Dr. Madelane Winslow. I live in North Truro in the proposed park area. I came to Truro in 1897 as a little girl, my progenitors having arrived in Provincetown on the little sloop called *Mayflower*. Today I am not even representing myself. I have thought about myself and others in almost the length and breadth of this Commonwealth. I would like to change or refute a statement that was made yesterday by, I believe, a Mr. Childs, who talked on conservation. He said that the Grange was for the national park and that is an absolute misstatement. I am master of the Wellfleet Grange. I brought up the matter on the floor. The Wellfleet Grange unanimously voted not to have a national park. Our legislative group is known as Pamona. In this area it is Cape Coddies. Cape Coddies-Pamona meeting again, they voted unanimously against the national park.

Last October at the State convention, because I was on the legislative committee, I brought the matter up at that convention and the State convention moved unanimously to object to the national park. And that was brought up on the floor in the national convention and our motions were substantiated.

Today I would like to have the attention of the Senate committee which conducts this hearing to bring to their attention the following:

(*a*) Failure to provide some means within this bill whereby the permanent residents of the lower cape towns will be subject privilege, would in many cases result in considerable hardship to those in the lower income brackets, as well as others who make their living entirely from the products procured from the various berries which are native to this area.

(*b*) Many families here augment their seasonal wages, earned during the summer months, by picking the beach plums, blueberries, rosa rugosa, pine cones, and bayberries. Some of these families, in fact many of them live on less than $2,000 a year. Some of the berries are shipped directly to wholesalers to use in industrial factories.

(*c*) The fruit berries are made into jellies by individuals and offered for sale on their premises. In many instances the jellies are used to stretch cost-of-living dollars in their own food budgets. Some of the berries are shipped directly to wholesalers for use in industrial factories.

(*d*) Many of the children pick berries to buy clothing for their school needs.

(*e*) Bayberries (the cape berries are famous for their pungent aroma) have been picked for years, even by the Pilgrims and made into candles and sundry tallow products.

(*f*) Pine cones are in demand during the fall months by industrial concerns who use them for Christmas decorations, et cetera.

I do not believe that the picking of these berries and cones has ever contributed any damaging effects to the bushes and trees as they have continued to thrive in this area.

I sincerely hope that the proponents of this bill will see fit to give consideration to incorporating some measure into the bill covering the privilege requested. Such a gesture might well show the

cape people the deep thought they have given to every phase of the future welfare of the people of the cape.

Statistics on these factors are very difficult to get because home industries don't always keep records. To those of you who are not familiar with beach plum jelly, that is a jar of beach plum jelly. It is not one of mine because I do not have the time to go down to the cellar and get it. I got it from the neighbor. This is the type of bag into which the bayberries are put that are not used for candles and the housewife who does her own laundry runs her hot iron over it to keep the clothing from sticking to the iron. I will tell you something about them later.

Pine cones in 1959 shipped from Provincetown, 500 bags, each with two bushels making 1,000 bushels which sold at $2,500. These were shipped by Peters Express and does not include those shipped by their own trucks or beachwagons, thus making a greater profit.

Bayberries, candles, and bags for smoothing the ironing surface of your flatirons, the candles, one shop uses between 2 and 3 tons per annum of these bayberries in the manufacture of candles and wax put into similar pads. One person used 1,500 pounds of berries just for these bags.

Black alder or the red berries, there are no statistics but I have seen men in hip boots in the meadow along Route 6 at Pilgrim Springs bunching and bagging these berries in trucks.

This area is heavily covered with bay and black alders.

Blueberries, 25 to 50 quarts per diem may be picked by one schoolchild and sold to restaurants for pies, cakes, and puddings. Whole families go blueberrying for family use to preserve or freeze today.

Rose hips, maybe some of you are not familiar with the food value of the rose hip. If you are English you would know. They are found mostly in the prohibited area of the province lands. I was astounded when I was told I had to drop my bag of rugosa rose hips because the State did not allow me to pick any berries on its area.

I am afraid that I did like a lot of the rest of the folks that are going to do if they are restricted on picking berries. I laid my bag on the ground, waited until the persons who said I must put it down—he said "Put it down"—I picked it up and started for home and made my rosa rugosa jam. It is highly nutritious because it is rich in vitamins A and C and in England during the last war only the aged and children were allowed to have the syrup and they had to get it on prescription.

Elderberries make excellent jam, jelly, pies; and the best area for picking them is in the proposed park area—namely, the meadow near the Wellfleet-Truro pond on the bay side.

Raspberries. There is only one place in Truro, and that has been closed by the Pilgrim Springs Park, where wild raspberries may be picked.

This is also a very heavy blueberry area.

Blackberries grow plentifully in the same area as raspberries but they are dispersed in many areas—other areas, too.

Route 6 ruined the best wild strawberry area on our end of the cape as well as a heavy blueberry area where the road cut across the Snow property and it also covered up and destroyed a heavy beach plum-producing area.

Beach plums. Fifteen to twenty thousand bushels a year is a conservative estimate given by the beach plum growers association of members of the beach plum growing association. Those not members pick many more bushels than the aforesaid amount. I have often made 100 quarts of juice and members of my family have picked in the season, a single season, from 200 to 300 bushels when there was a good yield. The birds eat very few beach plums; the worms do eat them. The rest fall to the ground and rot.

I sincerely hope that the picking of these fruits—all berries are fruit—would not be prohibited. To forbid the picking would be disastrous as these products for commercial or home use make the change in the family income. Juice made during a lush year is kept to cover the lean years.

Thank you.

Senator Moss. Thank you very much, Doctor.

Dr. WINSLOW. May I also say that I am the female who yesterday said to the chairman I was "agin" him? Now you know why I was "agin" him, not personally but because as a good Yankee and a good American citizen I feel that the commandment that says "Thou shalt not covet thy neighbor's goods" is just as good today as when Moses got it.

May I give you this jelly?

Senator Moss. Thank you.

Thank you, Dr. Winslow. You have contributed greatly to my knowledge and I still hope you are not "agin" me.

Senator Moss. This is Louis DiPaolo who will testify next.

STATEMENT OF LOUIS DiPAOLO, SIERRA CLUBS OF AMERICA, TENAFLY, N.J.

Mr. DIPAOLO. First I wish to thank the committee for the opportunity to speak, and I will be brief.

My name is Louis DiPaolo. I am a resident of Tenafly, N.J., and I appear on behalf of the Sierra Club.

The Sierra Club is a national conservation organization with 14,500 members. From its beginning in 1892 the Sierra Club has been deeply concerned with the preservation of our natural scenery through the national park system.

One of the formal purposes of the Sierra Club is to educate the people with regard to the National and State forests, parks, monuments, and other natural resources of especial beauty and to enlist public interest and cooperation in protecting them.

In October of this year some 25 Sierra Club members from New York, Massachusetts, Connecticut, and New Jersey spent a weekend on Cape Cod for the express purpose of inspecting firsthand the natural scenery in the proposed park area. For some it was a first visit to the cape. For others it was an occasion to become reacquainted with the distinct charm and beauty of the outer beaches. For all of us it was the opportunity to enjoy a beach area not yet engulfed by the tide of commercial development so obvious on our shoreline here in the east.

One does not have to look too hard to see the trend of population growth and economic development which is swallowing up our fine beach areas in the East at an alarming rate.

Some of the statements yesterday developed Commissioner Foster's prediction that a national seashore park on Cape Cod is within a day's drive of 50 million Americans. A national park here on the cape is not an invitation to 50 million Americans to descend on this area. The invitation has already been given by your chamber of commerce, by past summer visitors who encourage their friends to come to the cape and by the natives of this area who make visitors like myself feel welcome and at home in your communities. The State and Federal Governments with their continually improving road networks have made Cape Cod accessible to 50 million Americans. That is the fact. It is plain that 50 million people may come to Cape Cod. The establishment of a national seashore park, however, will afford outer cape towns the means of handling these visitors through adequate roads, police, and fire protection, open beaches, and financial assistance.

If we fail to act now to preserve Cape Cod and its wonderful natural scenery then we fail the generations of Americans to follow. Cape Cod has been ours to enjoy but will be destroyed by our commercial attempts to improve it.

I am not a resident of Cape Cod and I know these hearings are being held primarily for the people of the cape to be heard. But there are thousands of people like myself who have come to the cape and have come to love all its charm. We like it the way it is just as you all do. This past summer, in the intercoastal waterways of Atlantic City, N.J., I was appalled to see signs prohibiting the taking of shellfish because of the polluted waters—a result of overdevelopment of the surrounding land area. This could easily become the fate of the outer beaches unless the protection of the National Park Service is given them by national park status. The economic pressures will be too great for one person or one town or one group of towns to resist.

The board of directors of the Sierra Club at a meeting held in San Francisco on December 6, 1959, approved of the proposal to add Cape Cod to our national park system. Further, the board of directors impart their full support to the Staltonstall-Kennedy-Keith bill to establish a Cape Cod National Seashore Park. I have a feeling of sincere humility as I conclude this morning on an issue so important as the preservation of our God-given natural scenery. There is not really too much choice before us. We adults are but stewards of America's wilderness and natural scenery. If we want to pass this heritage on to our children, then we must act now to preserve the beauty of Cape Cod.

Senator Moss. Thank you, Mr. DiPaolo.

Senator Moss. We will now hear from Mr. Allen H. Morgan, of the Massachusetts Audubon Society.

STATEMENT OF ALLEN H. MORGAN, EXECUTIVE VICE PRESIDENT, MASSACHUSETTS AUDUBON SOCIETY, ACCOMPANIED BY WILLIAM H. DRURY, JR.

Mr. Morgan. Mr. Chairman, I am Allen H. Morgan, and I am accompanied by William H. Drury, Jr.

We trust that many individuals and organizations will testify favorably on the many esthetic, cultural, and economic reasons for the

creation of this proposed park. We believe that it is vital to the future of the cape—if future generations are to enjoy its beauty.

While the Massachusetts Audubon Society as an organization, and an overwhelming proportion of its membership as individuals, are, we are sure, emphatically and enthusiastically in favor of the park for those important reasons, our society will restrict its testimony to our particular field—wildlife conservation.

Further, we wish to emphasize strongly as a prerequisite to all of our remarks below relative to wildlife, that these same wildlife values are primarily human values as well. Wildlife is a tangible resource, and of profound importance to and influence on a continually increasing percentage of our population.

As to the exact provision of the park bill, I am not qualified, and do not propose to comment; but I do wish to suggest that from the conservation point of view, it would be well to keep the control of Monomoy (and the protection of wildlife there) on practically the same basis as these have been recently exercised by the Fish and Wildlife Service. In this connection it should be added that, from this point of view, it seems to me that Morris Island and Stage Island are essentially integral parts of the Monomoy wildlife habitat.

Our birds, mammals, reptiles, fish, trees, flowers, and insects—all wildlife—are entirely dependent upon favorable habitat for survival. The outer cape is particularly outstanding in the variety of habitats favorable to wildlife. For birds it is one of the most famous concentration points in all the United States. The extensive salt marshes, and flats and beaches are vital resting and feeding areas for huge numbers of shore birds flying from the high Arctic regions where they have raised their young, to South America. After this nonstop flight the rest and feed, on Cape Cod. Then, as we have recently learned, great flocks of them again fly nonstop southeast directly to the coast of South America. Most varieties of our shore birds have increased dramatically over the last 50 years, after having been decimated by market hunting; but a few species are still rare, and only within the last 5 years have they shown signs of finally making a comeback. These gains will be irretrievably lost if we do not see to it that our coastal marshes, flats, and beaches remain. Birds become remarkably tame and confiding in the presence of man, if given a chance; but they must have the terrain to which they are adapted if they are to survive.

These same cape marshes, beaches, flats, ponds, and the shoals of offshore—the ocean itself—harbor astronomical numbers of waterfowl. Hundreds of thousands of eiders and scooters which occur in this area during migration and in the winter months represent one of the greatest concentration of waterfowl anywhere on the Atlantic coast. It is impossible to draw a line at the specific spot, or designate the given day at which our rapidly expanding population begins to destroy these wildlife values. But destroy them it does, gradually and in subtle ways, almost from the outset. Unquestionably, any intensive development of the outer beach will affect adversely the offshore ducks, even though their main feeding grounds may be several miles offshore. Our knowledge of life in the sea is still so meager that we cannot yet say categorically what the effect on ducks, by shore changes, will be, nor how the food chains of the shallow waters are

affected. We do know that these rafts of ducks are directly dependent on these food chains.

Studies now being carried on by the Massachusetts Audubon Society, in cooperation with the U.S. Air Force and the Mitre Corp., using radar installations at Truro and Texas towers II and III, indicate that migrating land and shore birds pass over Cape Cod by the millions on nights of favorable weather conditions. For this reason the natural migratory traps—the resting and feeding areas at the edge of the sea—are particularly important as an emergency stopover spot for land birds carried out to sea on migration. Morris Island, acre for acre, is the most important land bird habitat on the entire New England coast, and one of the top two or three most important on the entire Atlantic seaboard. The thickets of Monomoy are of similar value, while for shore birds and waterfowl all Monomoy is of paramount importance. As alluded to earlier, these birds in their habitat on Cape Cod are of particular value because of their relative accessibility to the many people who wish to enjoy them.

It is obvious that from an esthetic and monetary point of view, an undeveloped Morris-Stage Island is of inestimable value to the town of Chatham. From a land bird conservation standpoint it is priceless.

In summary, the outer beaches, shoal waters, tidal flats, marshes, and natural land bird migration traps represent a vitally important wildlife resource which should be preserved in a natural state, not only for the survival of wildlife, but also for the esthetic enjoyment of present and future human generations. Of particular and outstanding value are the marshes and flats of the Wellfleet Harbor area on the west, Nauset Point Inlet and Harbor and North Beach on the east, and Morris Island, Stage Island, and Monomoy on the south.

Thank you.

Senator Moss. Thank you very much, Mr. Morgan.

Mr. Renouf will be the next witness. He will be followed by Miss Virginia Morrissey.

Mr. Renouf, you may proceed.

STATEMENT OF HENRY RENOUF, CHAIRMAN, NATURAL RESOURCES COMMITTEE, MASSACHUSETTS FARM BUREAU FEDERATION

Mr. Renouf. Thank you, Senator Moss.

My name is Henry Renouf. I had the pleasure of facing you in Boston day before yesterday.

I represent the Massachusetts Farm Bureau Federation as chairman of their natural resources committee, and I represent the Massachusetts Association of Soil Conservation Districts as their president.

I am not a resident of Cape Cod, but in order to assure myself safe conduct here I was brought up by Fred Higgins, of Orleans, who happens now to be a resident in western Massachusetts. My purpose, and Fred made sure that I should say so, in coming up to this beautiful area, and I didn't realize I would be taking this theatrical position here on the stage, I am sure I am not a member of Actors Equity, as some of my preceding witnesses appear to have been, but my purpose in speaking of this national seashore is in no way either to add or subtract from any of the details, merely to approve in principle of something that Massachusetts and Massachusetts agriculture and soils need

very badly. Up until the last 3 years the gross agricultural product in Massachusetts was perhaps annually $200 million. Within the last few years this amount has shrunken by $20, $25, $30 million. Meanwhile, an industry that a decade ago we gave no significance to at all, the so-called recreational industry, has grown to almost double the size of our agricultural product.

Now, this is something that deals, of course, with the land and heretofore we have always thought of the land as producing carrots and peas, corn and livestock, grass and wheat, and so on. We haven't realized, perhaps, that the product of the land is the people themselves. One of the production items that we are so concerned with today is water. The livelihood of a farmer does not come from the product he raises in terms of a consumable necessity. It is his guardianship of the soil, and what he does with it and passes on to his children and to his children's children that is important. Our concept of this national par on the cape is the idea that it is a land use and a land use of the highest order. Frequently in the past we have thought of land use in terms of pure economics, that is, a higher use that will fetch a bigger price. Presumably, if you convert a farm or cranberry bog into a bowling alley, that is a higher use. But this is only in terms of economics.

On the cape we feel that this demonstration of a national park is a demonstration of the highest possible land use, approved of by a responsible sentry who will realize that each one of them individually may lose but that in the aggregate society will vastly gain and in order to show also to the farmers in a state of diminishing agricultural significance that this sort of controlled recreational opportunity is something that can be duplicated in miniature on many a farm land that is now nothing but a barren pasture and the example of this sort of thing, and I do hope that the National Park Service will have as strong consoling influence from the local citizenry as it imposes upon them, that is, the idea of allowing certain things to exist as long as there is zoning regulation, the local people should also have some influence on the Secretary to say we want to be sure that you maintain this park at the highest possible standard which may be far more demanding in the future that it is today as we learn more about this operation.

I greatly appreciate the opportunity to speak and hope this is successful.

Senator Moss. Thank you, Mr. Renouf.

Miss Virginia Morrissey, or someone representing the Federation of Business and Professional Women's Clubs.

I do not see Miss Morrissey coming forward.

Yesterday we called Mr. Ross Moffett and Mrs. Walter Chrysler. I understand they are here today. Mr. Moffett would like to come forward and give his testimony. And then Mrs. Chrysler would be next.

STATEMENT OF ROSS MOFFETT, PROVINCETOWN, MASS.

Mr. Moffett. Senator Moss, and members of the Senate Subcommittee on Public Lands, I may say that I have been a legal resident of Cape Cod for the last 43 years. I settled in this area because of

the unique charm and beauty of the cape villages and countryside, and also because of the quiet and deliberate life of the friendly people I found here.

I am an artist, and the views I wish to express about the intended park and Senate bill S. 2636 for its establishment reflect, I believe, the views of most of those of my profession who live and work on Cape Cod during all or part of each year. An almost unanimous sentiment for the park within this group was disclosed last September when a letter endorsing the proposal and the present bill was signed by 139 artists, musicians and writers, with only two declining. This list, I may remark, includes many of the foremost workers in the arts in this country.

I do not, therefore, feel alone when I say that I am greatly disturbed to see the beautiful and traditional Cape Cod I have known so long being transformed through unregulated commercialism. We find that the interests of real estate expansion and the interests of conservation do not often coincide. We discover that already some of our beaches are denied for bathing and fishing. We see that one man with a bulldozer can in a few hours tear down a splendid hill. We observe that our historic places are being immersed in an atmosphere of neon signs and honky-tonk.

If this transformation is to be halted, if any part of the original and desirable character of Cape Cod is to be preserved, it will be, in my opinion, through our General Government. To think that the cape towns themselves can conserve their heritage is to be unrealistic, it is to strangely misunderstand or misinterpret what has gone on in this area during the last several years.

The bill concerned in these hearings beyond question represents great research and thoughtful consideration on the part of its sponsors and their staffs. There is little time here for me to remark on the provisions of the bill. I would like to say, however, that the proposed boundaries as defined in the bill appear extremely well chosen to embrace varying physical aspects of the lower cape.

The inclusion of the section of the cape west of Route 6, on Cape Cod Bay, seems particularly wise and necessary. I have long held that this region, which takes in the so-called islands, is one of the most scenic parts of all Cape Cod. It is also of much scientific interest. Geologists tell us that the glacial topography here is such as can be found nowhere else. The great marshes which lie below the bluffy headlands and islands of this area are well adapted for the nurture and study of wild bird life. I may also point out that here we have the only section of the intened park which offers the relatively warm, surf-free bathing typical of the west shores of the cape.

In this western section of the proposed park, if one excepts South Truro, there are rather few houses. Indeed, there is here one instance where a landowner has barred entry to some 7 miles of salt water shore with adjacent upland. This, of course, also denies land access of local townpeople to large areas of clam flats. It would be shortsighted and regrettable, I believe, were the Seashore Park to be reduced in this western quarter.

I would also like to say that after studying the text of this bill, the provisions for safeguarding all reasonable interests of homeowners within the park appear to me entirely just.

In summary, I wholeheartedly endorse Senate bill S. 2636 for a Cape Cod National Seashore Park. I feel sure that the passage of this measure by the Congress in essentially its present form will not only save from exploitation a good part of this unique region for the people who live here, it will save for the Nation and its future generations an area of great recreational, scientific and scenic value.

I thank you.

Senator Moss. Thank you, Mr. Moffett. We appreciate your statement.

Senator Moss. Mrs. Chrysler.

STATEMENT OF MRS. WALTER P. CHRYSLER, JR., PROVINCETOWN, MASS.

Mrs. Chrysler. Mr. Chairman, Representative Keith, my name is Mrs. Walter P. Chrysler, Jr., and I live at 81 Bradford Street, Provincetown. As the wife of a substantial property owner and taxpayer in Wellfleet and Provincetown I am here to protest, in as emphatic a manner as I can, the seizure of privately owned property on Cape Cod by the National Park Service for a national seashore.

This is tyrannical destruction of the inalienable right of citizens to own, improve, dispose of, bequeath, or will private property. This arbitrary destruction of an individual's security is in opposition to democratic principles which encourage an individual to establish a home or business, of becoming a part of the social, religious, charitable, educational, cultural, commercial, and political life of any community of his choice, and by becoming a part of that community, to provide for a continuing relationship in that community for himself and his family which can extend into future generations.

This seizure of property, however adequate or inadequate the compensation may be, differs little from the movement, permanent displacement and often annihilation of large populations in Communist countries, with the attendant uprooting of homelife at the arbitrary discretion of political leaders.

Also I am objecting to the usurpation, at Government-defined values or at any value, of this or any other privately owned property anywhere in the United States, unless such land is obviously available without any deprivation of or infringement to individual rights of ownership. If this procedure continues, is there any security that remains in the ownership of land or are we to be relegated to the position of being temporary custodians of land which has been purchased and paid for, finances for construction of a home thereon arranged for, funds accumulated to pay contractors and labor, and money saved to possess home furnishings, only until such time as the Federal Government announces its intention to remove us, on one basis or another, from our privately owned land?

Are we to be forced to live only in such areas as shall be restricted to us by the Federal Government from time to time at the whim of any political opportunist?

Cape Cod is not an industrial community, nor is it an agricultural one; it is essentially residential. It has successfully resisted industrialization as such for 339 years. It is a community of homeowners and small businessmen serving the needs of the homeowners,

engaging in trades of their individual talent to provide their financial requirements, and implementing their income by attracting summer tourists, retired persons, and others of financial responsibility. This is, and has been, a normal way of life for the cape.

This "vanishing shoreline," known as Cape Cod, existed to greet the Pilgrim Fathers when they first landed in the New World at Provincetown in 1620. In the intervening 339 years, the Federal Government chose to interest itself in the historic shoreline on only one occasion and that on the questionable basis of the preservation of its beauty and commemoration of its history. This was during the administration of President Theodore Roosevelt, when the Pilgrim Monument at Provincetown was dedicated. Before this event and thereafter, there was no interest on the part of the Federal Government to do anything regarding its shoreline or beauty or anything else.

The Government, now so suddenly active to preserve this historic shoreline, and its great natural beauty, makes, however, through its Army, Navy, Air Force, and Coast Guard installations, a greater, if not the greatest, single contribution to the destruction of the beauty of this shoreline than any other ownership on the cape. Architectural monstrosities, sprawling over the greatest concentration of acreage, excepting the province lands and the national wildlife refuge known as Monomoy Island, have been erected by these same Federal agencies all along the great beach in both directions from it and are visible from almost any angle of it. Lighthouses have been erected, abandoned, demolished, or left to collapse. Coast Guard stations have been erected and relocated, often leaving tragic reminders in the area of unsightly structures, many of which became dangerous fire hazards, some of which remain so.

Subsequent to the Second World War, the Federal Government contributed enormous funds to build the midcape highway opening to and bringing unlimited and often undesirable masses of people into the areas which taxpayers previously had controlled and preserved pretty well in a state of simple, natural charm and beauty in the best New England tradition.

The validity of this highway for future military reason, if that were the reason for building it, should not be a point of discussion. Obviously, what is needed for the military protection of the United States should be enthusiastically supported and whatever is needed for the defense of our country must be provided by whatever means seem necessary, however, temporary or permanent. But I believe it is fair to point out that this Cape Cod highway and the recently completed connecting links to it, the links under present construction, and the anticipated links to it, to be completed within the next 5 years will bring Cape Cod into accessibility by road to about one-third of the entire population of the United States and many of its Canadian neighbors—and this within 12 to 24 hours motoring time. God help us if they all arrive at the same time.

This planning, over a long period of time, by State and Federal agencies, to make Cape Cod a vacation playground for the vast population had no respect whatever for the individual landowner and taxpayer on Cape Cod or for preserving the type of community we wish it to be. The national seashore cannot help but be an adjunct to this

system of roads which has nothing whatsoever to do with the preservation of the shoreline of Cape Cod nor its beautification.

The term "vanishing shoreline" is a very accurate phrase to describe what is to happen to 30,000 and more acres of land made accessible to an estimated 40 million people who can plan to invade the cape with nothing more in their pockets than to pay for gasoline to return home, leaving their trash and refuse as a grim reminder of their visit. "A clean shirt and a $5 bill and they don't change either" is an old cape expression for these visitors. The policing required in addition to what may be provided by the National Park Service, by adjacent towns to properly care for this influx would be an increased cost to these adjacent towns with little means of increasing taxation by additional land development to take care of increased accidents, risks to public and private property or control over the conduct of the transient while in the area.

Any plan that permits the Federal Government to annex land on Cape Cod is deliberately and carefully devised to deprive each of the towns from Provincetown through Chatham of the possibility of any future expansion for any reason whatsoever and forever, a privilege which they should be able to enjoy from generation to generation. This means a permanent future tax revenue loss to the towns and one never to be regained.

Since the Federal Government already owns large acreage on Cape Cod, why not use this already available land for whatever needs the National Park Service feels are necessary without disturbing the individuals who wish to occupy their property in privacy and peace—perhaps away from the multitudes of people a national park would attract. This strangulation of growth cannot help but result sometime in the future in the Federal Government annexing these towns as well into a proposed park.

It is indeed a disgraceful commentary on our democratic system of government which we are trying so very hard, on many levels, to exhibit to the millions of oppressed people throughout the world, when the principles we are shouting about abroad are not being applied at home. The result may make Cape Codders comparable to the Dalai Lama of Tibet, exiled to a new land by the aggression of the Chinese Communists. Shall we, as political exiles, driven from land, seek sanctuary in India? Or half slaves through this unusual bill and half free if we are fortunate enough to live in the undisturbed area? The seizure of cape land is a shocking example to these persecuted people in many areas outside the United States of America—where there is no private ownership, no freedom of religion, no freedom of speech, and no ability to pursue a personally chosen pattern of life. No amount of foreign aid or Presidential good will tours can counteract this.

This action on the part of our Federal Government needs a concentration of thought of the principle—that of depriving a private citizen of his God-given right to own land of his choice and to dispose of it as he may deem advisable during his lifetime or upon his death without interference by the Federal Government.

Mr. Chairman, I most emphatically implore you and members of your committee, as well as all Members of the Congress not to take our sad plight lightly. Just put yourselves in our shoes. I am a

relative newcomer to Cape Cod but this bill puts newcomers and "old-timers" on an equal footing. What would your attitude be if it were your home, long aspired for and newly built or finished blueprints left on a shelf unused until a decision on this national seashore is made, or the "family home" for generations, which you were asked to surrender to the whim of a bureaucrat or theoretician who considered it in an area of beauty? Would you not oppose it even more strenuously than do we? If the people of the cape so desire it adequate zoning can preserve its beauty without interference.

I am a woman fighting for the home of my choice on the land of my choice—and that of my friends and neighbors. Won't you hear and heed us and prevent this grave injustice? I implore you, gentlemen, to defeat this and all similar bills, now and forever.

Thank you very much.

Senator Moss. Thank you, Mrs. Chrysler.

I understand that Miss Morrissey has now arrived. We will call her to the stand. Will you come forward, Miss Morrissey?

STATEMENT OF VIRGINIA MORRISSEY, MASSACHUSETTS FEDERATION OF BUSINESS AND PROFESSIONAL CLUBS

Miss Morrissey. Senator Moss, members of the committee, my statement is very short.

I have come here for the purpose of representing the Massachusetts Federation of Business and Professional Women's Clubs, representing their legislative committee.

I have been asked to put our organization on record with this committee in favor of Senate 2636. Since sometime in 1957 the State federation has favored appropriate land acquisition by State and Federal Governments through their respective park services that would be necessary to preserve the unique beauty of the Commonwealth of Massachusetts and in this particular instance the Cape Cod Seashore Park.

The legislative committee feels that Senate 2636 is a vehicle which seems to accomplish such a purpose and at the same time attempting to provide in a carefully worked out manner for the respect of the rights of individuals.

We have, therefore, in accordance with the action of our organization made this recommendation to this committee.

Senator Moss. Thank you, Miss Morrissey, for your statement.

Senator Moss. Mr. Milton E. MacGregor of the Appalachian Club, Brewster, Mass., submitted a statement for inclusion in the record yesterday. He is present today but will not testify.

My records show now that all that have requested to testify have been called. If there is anyone who has come here for that purpose and has not been called, please contact Mr. Callaghan.

I want to make just one or two announcements before this hearing will be adjourned.

During all of these hearings we have had a number of representatives of the National Park Service here. They have not been called as witnesses but have been here as observers and I am sure it was good that we have them here. I wanted to express my appreciation to them and acknowledge their presence.

Mr. Ronald F. Lee, who on the 1st of January will become the regional director for region 5, is here.

Mr. Leo J. Diederick, chief of the branch of the National Park System of Planning.

Allen F. Edmunds, chief of the Recreation and Research Planning, region 5.

Elmer C. Martinson, supervising park planner of region 5 and Irving C. Root, planner and consultant to the Park Service.

We appreciate your presence, gentlemen, and I know you listened to these proceedings with care.

Now, in addition to the people who testified orally before this subcommittee, there were a number who submitted statements that were filed. They will appear in the printed record in an appropriate place.

As I indicated before, the record will be held open for approximately 30 days. If anyone has any additional information that could contribute to this hearing it may be sent directly to the committee or to me or to Congressman Keith or to Senator Kennedy or Senator Saltonstall within the next 30 days and could be included in the record. We have heard 33 witnesses during these 2 days and we have been in session for 8 hours and 35 minutes. I think that is a pretty good cross section that we have heard here. I want to compliment the people who have appeared before this subcommittee. Your statements have been thoughtful and objective. I think we have avoided the pitfalls that so often arise in these hearings of getting off into emotional side roads. We tried to talk about the issues as they appear. As I tried to stress in the beginning, there is no desire on my part or on the part of the committee, and I am sure there is no desire on the part of your representatives to approve or sponsor legislation that will be unfair to the local citizens but it appears that a time has come when a decision needs to be made. As so many of the witnesses have stressed, the pressure is on, especially in this heavily populated eastern part of the United States. Perhaps some of our areas are going to be engulfed by that unless we make some decisions. I am not indicating by that that the decisions should be necessarily for a park, perhaps the ultimate decision is that towns and the residents can protect themselves from the pressures or perhaps the decision is the other way. We are just trying to find out. We are trying to make an evaluation and decide what should be done in this situation.

I express my gratitude for your hospitality down here. It has been delightful and I have had a wonderful opportunity of seeing this lower cape country and flying over it and to spend 2 days here. I even received a little credit for bringing good weather to you down here in the last 2 or 3 days.

It has been wonderful, indeed. I assure you that I want to return here and I would like to return often.

Congressman, do you have anything you would like to say before we conclude?

Representative KEITH. On behalf of the residents of my district, particularly those who have been here in the last 2 days I would like to thank you, Senator, for the fair and impartial and efficient manner in which you conducted these hearings. They have brought us a lot of facts which will be helpful to us in our deliberation. I hope that the House will hold similar hearings early in the coming session of

Congress so that my colleagues in that branch may have the advantage of a similar studied approach on the part of my constituents.

Once again, our thanks, sir. And thank you for letting me participate.

Senator Moss. Thank you very much, Congressman Keith. With that we will be adjourned and I thank Dr. Winslow for the lovely jelly.

(Whereupon, at 12:34 p.m., December 10, 1959, the subcommittee adjourned.)

APPENDIX

(The following communications and statements, received during and subsequent to the close of the hearing, are printed at the direction of Senator Moss, chairman of the subcommittee:)

CHATHAM, MASS., *November 29, 1959.*

SUBCOMMITTEE ON PUBLIC LANDS,
SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Senate Office Building, Washington, D.C.

DEAR SIRS: I am not asking for time to speak at the public hearing which you will hold in Eastham on December 9 regarding the Cape Cod National Seashore Park. I feel quite sure that the Chatham selectmen will absorb all of their allotted time and as I do not entirely share their views, feel it would only create an awkward situation locally. I am now serving my fifth year on the Chatham Planning Board and have had reason and opportunity to follow local developments closely.

I would like to congratulate the Senators from Massachusetts for the wide scope of the bill they have introduced and trust that it will meet with success in Washington, in spite of the rather provincial point of view of some of the local opposition. I am convinced that neither the local nor State governments have the knowledge, financial resources, nor broad vision to carry out such a plan as has been proposed, which is the only way to preserve the remaining unspoiled areas of the cape.

I would like to go on record as being in favor of the park including all of Morris Island and Monomoy Point within the park, provided these areas would be entirely restricted so as to become and remain a wild life refuge. Until the town and State built the dike in 1957–58, this whole area was in fact wild. Now the new owners plan homesites for 70 or more homes on Morris Island. These subdivision plans have only recently had final approval and are now being recorded in the land court in Boston. The dike was built to save Stage Harbor, not for the purpose of developing Morris Island. There is local feeling that the tax and employment income from the development of Morris Island would be a great asset to the town. However, from the long range planning view, I cannot help but feel that Morris Island and Monomoy are a unit (in spite of cut-throughs which come and go) and that they should be preserved as such for their unique position in the flight of birds and for the possible isolation of the land. The local traffic problem which would be created by the park—and is the main argument of the selectmen against it—will have to be solved for the 70 homes. The present congestion at the Chatham Light is already dangerous and it would be my hope, that if the island and Monomoy became part of the park, that the experienced planners in that Department would assist the local boards in planning a better approach to the island.

I am fully aware that some persons and towns would be hurt by the park but know that you will be guided by the long range planning program of the Park Service and the very just arrangements which have been incorporated in the bill of the Senators Saltonstall and Kennedy. It is my sincere hope that you will proceed with all possible haste, as delays will make the matter only more difficult to solve—as witness the nine new cabins built on North Beach in Chatham this fall.

Sincerely,

MRS. E. F. HISCOCK.

MASSACHUSETTS DIVISION,
AMERICAN AUTOMOBILE ASSOCIATION,
Boston, Mass., December 17, 1959.

Senator FRANK E. MOSS,
Chairman, Subcommittee on Public Lands,
Senate Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR: We are vitally interested in the proposed national seashore park on Cape Cod, and I planned to personally speak at the public hearing held in the Eastham Town Hall last week. We were told that appearances were being scheduled and that we would be heard between 1 and 2 o'clock on Thursday, December 10.

In order to comply with this suggestion I drove down to Eastham, arriving at about 12:30. Some newspapermen who were covering the hearing told me the hearing had been adjourned shortly after noon.

Because we were unable to make a verbal presentation I am enclosing a copy of our statement with the request that it be made an official part of the record of the hearing.

Sincerely yours,

ROBERT S. KRETSCHMAR,
Executive Secretary.

STATEMENT OF THE AMERICAN AUTOMOBILE ASSOCIATION

I am Robert S. Kretschmar, executive secretary of the American Automobile Association's Massachusetts Division. I wish to record our organization in favor of establishing a national seashore park here on Cape Cod.

Much of the testimony you will hear during your 2 days in Eastham will deal with why this cape area should be preserved for recreational, historic, scenic, and scientific reasons. I submit we should have this national seashore park for good, sound business reasons.

The Cape Cod National Seashore Park is good business for the Nation, good business for Massachusetts, and good business for Cape Cod. In fact, establishing this national park is perhaps the smartest business move we could take. Stating it another way, if the great beach area is not protected, Cape Cod will gradually, but rapidly, become less and less attractive to vacationists and the area will lose its most important business.

My business is managing the Massachusetts Division of the American Automobile Association. Working closely with nearly 7 million members throughout the country, we are able to detect and observe trends in the vacation travel habits of the American people. During the past 3 years it has become apparent there is a tremendous interest in what we call "green vacations." American families want to take vacations away from commercialism, away from buildings and cities. The urge to be close to nature and see some of the unspoiled America our forefathers knew and loved has brought about the great and growing popularity of green vacations at lodgings in or near natural attractions or actually camping out.

There is a great and growing popularity for camping vacations. Thousands of families spend a week or two traveling from campsite to campsite or national park to national park. We have a graphic example of this increased interest in camping right here on Cape Cod. Nickerson State Park begins to take reservations on January 1 for the camping season April 15 through October 15. Though there are 304 camp sites available, they are completely reserved or booked solid for the entire season by the end of January.

The number of people visiting our National and State parks is increasing each year by 10 to 25 percent. This is a healthy trend for our country and a good healthy growth for the business of those who cater to and service the vacation travel business. That means Cape Cod because the vacation travel business is the Cape's greatest source of income.

To be successful a businessman must analyze his market and prepare his product or service to provide the public with what it wants. Let's apply this type of analysis to the Cape Cod National Seashore Park proposal we are discussing today.

First, we of the American Automobile Association know the public wants to travel. Travel, in all its aspects and broad effects upon our economy, is fast developing as America's No. 1 industry. Here in Massachusetts it is the fourth largest industry in dollar volume.

2. This year 100 million Americans will take their vacations by automobile.

3. About one-third of this country's population lives within a day's drive of Cape Cod and there is only one other national park in New England.

4. Why do people spend their vacations at places like Cape Cod? They will tell you "to get away from it all," by which they mean to get back to nature—to the seashore and away from their highly mechanized everyday lives. It is important for the businessmen of Massachusetts and Cape Cod to remember that the summer visitors do not come to see commercial developments and hot-dog stands. To the contrary, they are attracted by the very things the seashore park will preserve.

5. What is our competition? As cities and suburban developments continue to expand, people will have an even greater desire to find natural open spaces, and they will travel to find them. If we don't provide them, the vacationists and their business will go to other States and to the still unspoiled areas of Canada.

So, in addition to the sound basic reasons of preserving the great beach area for the appreciation of future generations, we believe there are sound business reasons why the beach should be made a park. It is only sensible hardheaded business to preserve the things which bring the business to you. We have to look beyond today's nickels and plan for tomorrow's dollars. If the basic natural attractions of Cape Cod are permitted to disappear, the vacation business will disappear with them.

SOUTH ORANGE, N.J., *December 22, 1959.*

Hon. FRANK E. MOSS,
Chairman, Subcommittee on Public Lands,
Senate Office Building, Washington, D.C.

DEAR SENATOR MOSS: I am writing to ask your favorable action on S. 2636, calling for establishment of a national seashore on Cape Cod. This is a very well considered bill and changes in its present provisions should be limited in scope.

Twelve years ago my wife and I purchased an 18th century cottage and several acres of land in Wellfleet, within a few minutes' walk of Gull Pond. We had previously been going to Wellfleet for our vacations since 1930. This cottage had been unoccupied for 15 years and was quite rundown. We were anxious to restore the cottage and to preserve its old paneling and doors. It was our plan eventually to retire there.

As you know, the Gull Pond acre has seen extensive development in recent years, some of it expensive and in good taste. But we are living on borrowed time and each year will bring smaller lots and cheaper construction. We in New Jersey know something about overdevelopment of seashore lands. That was one reason for our going to Cape Cod in the first place.

Mr. Charles Frazier, Wellfleet's chief selectman, makes no pretense about his hostility to the proposed bill. He points to the development of public beaches under his leadership as an argument against any Federal intervention. Wellfleet's record is an outstanding one in this respect.

Of course, as Wellfleet has grown and prospered so has Mr. Frazier and quite properly so. He has worked hard and deserves credit and success. I have no idea what his holdings of undeveloped real estate are throughout Wellfleet, but he owns 30 to 40 acres in the Schoolhouse Hill area adjacent to Gull Pond and to the Gull Pond landing site which he conceived and put through. His holding constitutes the largest undeveloped shore frontage on Gull Pond.

The question of conflict of interest is a subtle one, and I do not pretend to sort out other people's motives. I only know that my wife and I want our property to remain in the proposed taking. We do not want it to be removed because Mr. Frazier says he thinks that that entire area (including his nearby acreage) should be excluded in the interest of Wellfleet's welfare as he conceives it.

Including our cottage, there is a cluster of about six old cottages, built between 1750 and 1830, from Gull Pond out toward Route 6, which constitute an almost unique representation of how the farmers and fisherman lived in that Pleasant Valley area 100 to 200 years ago. These unusual homes should be preserved as they are as a token of our heritage. To these should be added several more scattered cottages in the Seven Ponds region, and the exceptional cottages on Bound Brook Island to the west of Route 6. Although Judge Biddle is somewhat skittish about his own beautiful home, Mr. George Higgins has for

years been preparing to transfer his unique old place with its large acreage to some protective Governmental agency.

I know that your committee has many difficult problems to solve that go beyond the points I have raised here. But I hoped that I had some special knowledge and appreciation of the Gull Pond region which might be helpful to you.

My hope is that you will recommend and that Congress will pass the present bold and imaginative bill largely as it stands. My wife and I love Cape Cod and want to see its unique character preserved by a strong seashore bill.

Very sincerely yours,

WARREN PARTRIDGE, Jr.

DECEMBER 10, 1959.

Hon. FRANK E. MOSS,
Chairman, Public Lands Committee.

MY DEAR SENATOR MOSS: I wish to congratulate you on the tenor of the hearing relative to S. 2636 at Eastham Town Hall on December 9. The Cape Codder is a philosopher when it comes to weather, boating, and beaches. They want profound questions answered. A few weeks ago it seemed to be whether to raise more summer cottages, more clams, or more hell. The problem seems to have simmered down to calm discussion without impatience, or intolerance. I could not help but marvel on the high caliber of participants at the hearing whether they were specialists or selectmen devoted to public service. Everyone seemed to be striving for unity of action. Every individual was given the right of free expression. All the time that I was present the audience exhibited calm tolerance and confidence in the procedure. All official information was made available. There was no suggestion of political partisanship. I was thrilled with the display of democracy in action. Congratulations to you and Senator Saltonstall and Congressman Keith.

May I ask for a copy of the proceedings? You stated that they would be available to all who talked. I did not ask for the opportunity of speaking. I have already indicated my views in a series of articles in the Cape Codder and in the biological report of the area which was written by a former student, Dr. Wm. E. Randall and myself. My first biological work on Cape Cod was in 1907 at Monomoy Island. It is not everyone who has the opportunity to return for more research 52 years later. Although I did not ask to present my wholehearted support of S. 2636, because of limited time available, I would urge that you send me the copy of statements made at the hearings. If you wish you may add this letter or any part of it as evidence of my interest.

Most sincerely,

WILLIAM G. VINAL,
Emeritus Professor Nature Recreation,
University of Massachusetts.

MARBLEHEAD, MASS., *December 14, 1959.*

Senator FRANK E. MOSS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MOSS: As a closely concerned property owner in Wellfleet and Truro, I attended the entire hearing which was given by your committee and held in Eastham, Mass., relative to S. 2636. I was impressed by your sincerity and your concern to listen to the cape people in this planned seizure of property by the Government.

The people that have settled around the ponds area in Wellfleet wish to preserve the natural charm of the cape, keep our own property as we have in the past 40 years, not exploit it. It is a matter of how this can best be done. It is one thing to take the outer beach and create access to the ocean, and another thing to think that millions of people can be accommodated in a park of 30,000 acres, and be allowed to remain here for their vacation period.

If the cape area had perhaps a 100,000 acres of land adjacent to the beach, such a dream of meeting the needs of the hordes of people might have some basis in reality, but to assume that this is possible with the limited amount of land is inconceivable.

The recent builders in this area of Cape Cod built homes for the vacation period, which are adequate for future retirement. These people have a true love of the cape and their roots are deep seated. It has been my observation that in the 40 years that I have been coming to the cape that most of the people who come to look around leave nothing but debris and spend nothing but their time. In order to set up some facility for feeding even this type of visitor, it will be necessary to have the cape littered with literally hundreds of stands, diners, etc., for selling food. In trying to preserve the area within the park the rest of the area will be hopelessly spoiled by the cheap concessions that will spring into existence. I felt Dr. Elliott's report was in the interest of many of the cape towns when he said that 1,000 should surround a park, to eleminate the sight of neon signs, posters, and advertising for commercial purposes. If this bill is passed he mentioned overuse would destroy the area. I favor just taking the outer beach for this reason.

I also favor the amending of the bill as suggested by Francis Biddle which would give the landowner opportunity to hold more property than 3 acres, which he has acquired for the purpose of privacy and will need more than ever for the protection from the hordes of people who might picnic on the lawn otherwise. I also agree that land to be eliminated should be eliminated before passage of the bill—and the deadline for building be coexistent with passage of bill—the 10 percent ratio be raised to prevent stagnation in building. I emphatically stress that the condemnation clause 4(b)2 be eliminated as being most unfair, undemocratic, and unconstitutional.

If the bill is favored and passed in some form beyond all the objections of the property owners, who should by all that is right be the only ones to vote on this matter, and not the Cape Codders who are not in the park area, or well wishers in organizations, I sincerely beg of you to assure us the right to have and hold our own homes and will them to our own sons.

Sincerely yours,

GERTRUDE GAMES.

RUGGLES ROAD,
Orleans, Mass., December 16, 1959.

Hon. FRANK E. MOSS,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR MOSS: My family has owned property at Nauset Light Beach in North Eastham, Mass., for approximately 50 years. Starting with one cottage, they built others as they could, until the total was seven. They used one cottage for themselves and rented the others. Through depression and war years, they carried on with little or no profit; consequently, the property was not kept up. When my father passed away, my mother tried to carry on but was not able, for financial reasons, to make the many necessary improvements. She did, however, with some financial assistance from myself, pay to have electricity brought down to the cottages from the head of Cable Road. As a result of this improvement, several new places were built on Cable Road and, within a few years, our investment was returned to us by the Cape and Vineyard Electric Co.

When my mother passed away, 7 or 8 years ago, my brother and I took over the cottages—very much in need of repairs, painting, and refurnishing. We decided to use rental money to put the property in first-class condition so that, on retiring, we would have a little income to add to our social security. We have just about accomplished this and I retired this year, on reaching the age of 65. My brother will retire in about 3 years.

I had understood that, under the original national park bill, we could hold our cottages as long as we lived and then they would pass on to the Government at a fixed price, as agreed at the effective date of the bill. The way the

Saltonstall-Kennedy bill 2636 is written, I understand our cottages will be considered as commercial and we will have no protection.

Our places are completely furnished for housekeeing. We rent by the week, month, or season, and have a very high-grade class of tenants, many of whom return year after year.

I'm sure there are many property owners just like ourselves who will suffer financially, should this national park bill 2636 be enacted in its present form. I am wondering if there is any plan whereby we, and others like ourselves, will be compensated for this loss of income.

I also want to go on record regarding many cottage owners who have only one cottage. They use it for their own vacation and rent for the balance of the season. I doubt if they would be affected as we would, because they can claim private use, where, in reality, they are collecting rentals and, therefore, are commercial.

Sincerely yours,

ARTHUR A. HALL.

WELLFLEET, MASS., *December 16, 1959.*

Hon. LEVERETT SALTONSTALL,
Hon. JOHN F. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATORS: In view of the extent to which the lower end of Cape Cod has developed, the establishment of a national park in this region is at least 100 years too late and is incompatible with existing conditions.

Because this area is already well developed, your proposed park poses a threat to the liberties of the American people. You propose to put hundreds of people on a Government reserve while opening the area to thousands of overnight and short-term recreationists from the all-too-near big cities and metropolitan districts. This is, in effect, the giving of recreation a high degree of precedence, elevating it above the sanctity and inviolability of the American home. Moreover, because we are unfortunately allowing the private automobile to displace all forms of public transportation except the plane, a recreational park such as you envision would greatly aggravate the traffic in this area. This, in turn, would result in a demand for wider roads and huge parking areas, necessitating the destruction of some of the beauty which the park is supposed to preserve. The people here have all the traffic they want, and they definitely do not want any appreciable increase.

There is also a trend toward the development of a more stable society in this area, especially noticeable in Wellfleet and Eastham, with year-around residents, and people coming and staying for longer periods of time. We believe this type of development within reasonable limits to be more desirable than an overwhelmingly seasonal type of community which would result from the establishment of a national park.

There is plenty of opposition to this park among the people here and the opposition would be still greater were it not for the belief among some that Government officials are all-powerful and the part, therefore, inevitable. This has led to apathy and acquiescence on the part of people who really do not want the park. This thinking is inimical to our liberties, to our country as a free nation and no one should be guilty of fostering and encouraging it.

There may be a need for national parks. Our overorganized and overmechanized society may need some more outlets. But national parks and other similar parks belong in undeveloped areas, and they do not justify, for the sake of recreation, the putting of homes and people on a Government reserve, the flooding of the area with tourists, and interference in the proper development and stabilizing of communities.

Sincerely,

REV. EARLE B. LUSCOMBE,
Pastor of Wellfleet and Eastham Methodist Churches.

FOR THE PRESENT HOUR

(By Earle B. Luscombe)

In green antique are locust trees,
And they are memories of days
When folk beside the hearth's clear fires
Found peace; they watched the sea's blue haze,
Saw cedars dotting with their spires
The meadows scattered round the shore,
Inhaled the resin of the pine,
Enjoyed the rose upon the vine,
And felt this land would never pass,
That it was free forevermore.

From nearby cities avid eyes
Now fix upon these quiet lands,
Pleasure seekers, tourists with cars,
To take the pine and locust stands,
The beaches and the ocean bars,
The ponds and oaks thrown in as well,
The sand dunes curving to their domes,
The areas round cottage homes;
What suits desire they plan to seize
And charter traffic through the dell.

Men of the Lower Cape, come, meet
The foe, cast off all lethargy;
Arise to meet the present hour!
As men by heavenly right made free
Assert yourselves with God-given power!
Encroaching on your honored land
Is no man's right! Invincible
Is not the foe! Inevitable
Is not the grasping of his goal!
Rise up, oh men, and take your stand!

WASHINGTON, D.C., *January 13, 1960.*

Senator FRANK E. MOSS,
Senate Office Building, Washington, D.C.

DEAR SENATOR MOSS: This letter goes to you as chairman of the Senate Subcommittee on Public Lands. I am also sending a copy of it to each of the Massachusetts Senators.

As a part-time resident of Chatham, Mass., I am more than anxious to go on record as opposing emphatically any effort from any quarter whatsoever to turn the Chatham portion of Cape Cod or any of its environs into public property for any reason short of total war.

As undoubtedly you must know, Chatham forms what we call the elbow of the cape, and is thoroughly saturated by waterways. If there is an American who has any other idea, he or she should be shown maps, charts, and photographs of that small portion of the cape so as to see quite clearly and independently of arguments by strangers to the locality or enemies of the locality how impossible it would be to try to make room for the general public on its small private roads. They would see that any such attempt would result in bringing no pleasure to the misled visitors. Undoubtedly it would destroy the value of the private property in those few acres.

I think that the planners who designated Morris Island as a camping area or Monomoy for any parallel purpose should be transferred to planning astronautical settlements, for they must be so unfamiliar with at least one portion of this earth (which they are attempting to dispose of) that it might be safer to have them trifling with a different planet.

I shall be most grateful if you will pass along in the right quarters the reasons for my protest as indicated above.

Sincerely yours,

MARCELLA M. DUPONT.

STATEMENT OF J. D. WHITTEMORE, EAST ORLEANS, MASS.

The following statement regarding the proposed boundaries and size of the Cape Cod National Seashore Park is submitted for your earnest consideration.

A reading of the report of the National Park Service released in January 1959 can easily create the impression that the lower cape is a stagnant area, or even that it is in a declining stage. Nothing could be further from the facts, as will be set forth. Moreover, the impression has been created that the lower cape is practically entirely dependent for its livelihood on the short-stay visitors to the area. This is also at variance with actual fact.

While the lower cape has a degree of natural wild beauty, some geological formations of interest to experts, and some spots of historic interest, it has no spectacular natural characteristics such as those in most other national park areas. The vast majority of the short-stay visitors to the cape are interested only in the beaches; boating; fishing, both salt and fresh water; and hunting; in the order named, and perhaps to a very limited degree in camping areas.

Hence there is no need or reason to sterilize the large areas within the boundaries set forth in S. 2636 from proper use by another group of persons hereafter described. Much has been expressed about displacement of long-term cape residents and preservation of "a way of life" but there is a growing number of this other group of persons whose interests have been entirely ignored in articles, reports, and other published comments.

These are the people who through their own efforts, the increase in pension plans by corporations and unions, and with the aid of Federal social security, are seeking areas in which they can pursue their vocations, semiretire or completely retire with modest resources. Any examination of the influx of such persons in Florida, southern California, and some other Western States will indicate how large this group is and how rapidly it is growing in numbers.

Some of these initially acquire and improve property for long-term summer occupation but the majority almost surely have plans to become resident citizens at some future time. In complete contradiction of statements that the economy of the lower cape towns is almost wholly dependent on the short-stay summer visitors or so-called tourists is the fact that the year-round resident population in five of the six lower cape towns excepting only Provincetown has increased by more than 50 percent during the past 10 years. Provincetown alone has lost population by the relatively small amount of approximately 3 percent.

While some part of the increase in the other five towns may be attributed to persons coveting the short-stay tripper's dollars, by far the major portion of growth has been of and because of those persons who have chosen the lower cape as a permanent place of residence, who have acquired property, and who have built or rebuilt homes in which to live. These are the people referred to in prior paragraphs together with the artisans, builders, and other workers who have come in, in addition to the existing population, to provide and serve the needs of these year-round and full-summer residents. The year-round permanent resident group has not only largely increased in number but will continue to increase at an accelerated rate if it is not brought to a halt by the land taking proposed by the National Park Service.

It should be carefully noted that an economy substantially supported by year-round residents whose incomes are not wholly derived from current local employment, as well as by summer trippers, produces a more stable and better balanced year-round economy than one dependent solely on business done in the summer months, which to all intents and purposes is limited to not much, if any, more than a period of 2½ months.

Any such extensive land taking as that proposed by the National Park Service and set forth in Senate bill 2636 and its companion House bill will create conditions in the towns of Truro, Wellfleet, and Eastham which will parallel the conditions long imposed on the town of Provincetown by the Commonwealth of Massachusetts' ownership of the so-called province lands. Provincetown has had no area in which year-round residents like those referred to above could find places to locate and hence its population, with the decline of earlier lines of occupation such as fishing, has been obliged to make its livelihood by catering to the short-stay visitor. It is doubtful if even the citizens of Provincetown are proud of the character of development in their town.

The taking of land to the extent proposed by the National Park Service in the towns of Truro, Wellfleet, and Eastham will inevitably result in three more towns similar to Provincetown, and the creation of a great white way of bars, restaurants, souvenir shops, cabins, and motels along route 6. It will stop any

further influx of year-round residents and may even result in emigration of present residents.

It is here pertinent to consider what conditions this group of citizens would almost certainly agree upon in connection with a seashore park on Cape Cod. These are—

1. That all beach areas in the lower cape should be publicly owned and made accessible to everyone by means of proper access roads and parking areas without any restriction by or encroachment of private ownership. This statement includes such areas as the dunes adjacent to the beaches, a reasonable strip of foreshore, and the so-called great ponds of fresh water.

2. That intensive highly commercialized development must be prevented by strong zoning and building codes, and that business development in general shall be only that needed to provide for the permanent and transient population under adequate controls to estop honky-tonk enterprise. Possibly some industrial concerns engaged in research or similar businesses might find a place on the lower cape, but this is almost certainly the only type of industry that could successfully live there.

3. That the utmost effort shall be made to preserve the lower cape area as it now is.

Senate bill 2636 in effect provides that no further property may be improved and built up within the park area except in a very limited area of 10 percent of the area of each town within the proposed park boundaries, and then only if request is made by vote of the town within 5 years from the passage of the bill. All other property within the park area and improvements made thereon subsequent to September 1, 1959, will be subject to taking by condemnation whenever the Park Service so decides. It should be noted that this statement is literally true since the right to acquire existing improved property by condemnation is suspended only if valid zoning bylaws approved by the Secretary of Interior are in force.

Reference is made to Senator Kennedy's introductory speech in which he states, "Cape Cod is more heavily settled, enjoys more compact town government, and has a greater degree of development than most previous park areas." One has only to read the study prepared by the National Park Service and presented in its report of January 1959 to be impressed by its staff's complete disregard for the effect the park would have not only on the present residents of the area but also on those of similar character who may well be expected to immigrate under now existing conditions.

Preservation of all the singular natural characteristics of the lower cape is certainly most desirable but to restrict the enjoyment thereof to the casual summer visitor with complete disregard of present and prospective permanent residents is unfair and unreasonable even though the number of prospective summer trippers may be much larger than the number of year-round permanent citizens and full-term summer residents.

It is submitted that creation of a national seashore park in the lower cape with all of the great beach in public ownership and control, and including within its boundaries all lands now owned by the Commonwealth of Massachusetts together with connecting areas now privately owned, and also including a reasonable amount of foreshore is desirable. It would be adequate to meet the objectives of S. 2636 as stated in its preamble and would be favored by the large majority of lower cape residents. Conversely, a park embracing the area described in this bill and in the January report of the National Park Service is unnecessary and inadvisable, and would be a serious detriment to the present and future economy of the lower cape and to its present and future residents and citizens without commensurate benefit to anyone.

SPRINGFIELD, MASS., *January 11, 1960.*

Hon. FRANK MOSS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: The prime purpose of this letter is to let you know that as property owners and summer residents of Chatham on Cape Cod, my friends and I are quite definitely opposed to the inclusion of Morris and Monomoy Islands as part of the national park (Senate bill 2636). We are in favor of most of the provisions of said bill; but, being very familiar with the location of the islands,

and with the difficulty in reaching Monomoy, we feel that the expense involved in making accessibility by land possible would be excessive. In addition, both these islands would be separated by water from the main part of the park and would stick out like a sore thumb. If the islands were to be connected to Nauset by a bridge or other connection, it would not only be extremely expensive, but would substantially interfere with the many small-boat operators and the fishing fleet that traverse these waters daily.

It appears to us, therefore, that the exclusion of Morris and Monomoy Islands from the said bill would serve a more economical and useful purpose and, in addition, would not substantially detract from your otherwise very excellent bill.

We would appreciate it if this communication is made a part of the record of the hearing you conducted at Eastham on December 9.

Earnest consideration of this matter will be very deeply appreciated by both permanent and summer residents of Chatham.

Sincerely,

JUSTIN G. CAVANAUGH.

COMPANY SERVICE CORP.,
New York, N.Y., December 2, 1959.

Senator JOHN F. KENNEDY,
Senator LEVERETT SALTONSTALL,
Senate Office Building,
Washington, D.C.

DEAR SENATORS: We should like to add our comments to the many you have received concerning the plan of preempting a large part of the outer cape for a national seashore park under the Saltonstall-Kennedy-Keith bill—S. 2636.

We are unalterably opposed to the previous proposals of the Neuberger or the Murray plans but we are in favor of your bill provided, as you said in your open letter of mid-August to Cape Codders, "In general summary, we have drafted legislation which will preserve the cape by establishing a national seashore park. But we have tried to do so in a way that will constitute the minimum interference to the towns and individuals whose efforts over the years in preserving the cape we wish fully to respect. * * * We have tried hard to accomplish the basic purpose of preserving the cape, which at the same time accommodating local, individual, and community needs." This goal we are for.

Our families have bought, built, and developed over the past 50 years over 20 acres of the most desirable property in the Pamet Calley in Truro, including the oldest house in Truro. We have spent every dime we could spare in improving the property and preserving it for ourselves and for our children and incidentally for the beauty of Truro. We do hope that as you proclaimed—you intend to preserve our rights just as long as we preserve the natural charm and beauty of the cape.

There is much undeveloped land on the outer cape that may well need park protection but please don't preempt the land that we and many others have been busy preserving for 50 years and more.

Very truly yours,

F. A. AIKEN.

NEW YORK, N.Y., *December 4, 1959.*

Senator LEVERETT SALTONSTALL,
Senator JOHN F. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATORS: I wish to express my views concerning the taking of land for a national seashore park on Cape Cod.

I am a property owner in Truro, Cape Cod, together with my husband and two sons.

The four of us helped two carpenters build a home in Truro one summer 14 years ago in 1945 to which we devoutly hope to retire some day. We should hate to have something taken from us into which we have put such a labor of love should the Government take over the Pamet Valley as originally suggested in the Boland bill. We favor, rather, the Saltonstall-Kennedy-Keith bill, S. 2636, which does not propose to take physical possession of so many

homes and which offers suggestions for some kind of zoning so that the natural beauty of the cape may be preserved.

As to the labors of love: All of our vacations since building in Truro have been spent working on the house, adding little by little each year to finish it, maintaining the exterior as winters on the cape can do much damage, maintaining the property, improving the outbuildings and remodeling a barn so that we might live there each vacation as it is necessary to rent our home there each summer in order to have it. These labors we perform ourselves instead of sunning ourselves on the many nearby beaches or enjoying some of the sports activities which abound in the area, and which we used to indulge in before becoming property owners. We look forward to these activities when we retire, but will we have a home to retire to?

We have several acres which is most desirable land, the sale of which might well have saved us many hours of hard labor. How is one to know what kind of buildings would go up and possibly deface those beautiful hills if we were to sell? We have endeavored to keep the land as nearly like it was when we became owners and have tried to preserve the original nature of the countryside. It does not seem just to deprive us of our homes when we have tried to do for Truro just what the Federal Government is hoping to do for the cape in making a national park out of this area.

Mind you, I deplore what is happening to parts of the cape, and I do earnestly hope that some kind of bill will be proposed which will undertake to halt the spreading blight of buildings of a honky-tonk nature. On many of the cape highways there are eyesores particularly noticeable to those who have been coming here since 1909 which is when my parents first came to Truro bringing their children with them, and all have been coming back during these past 50 years each year. We notice many sad changes have taken place. It seems one of the few roads which is still unspoiled is the drive from Wellfleet to Truro on Route 6. As children we used to count the curves, 40 of them, on this particular stretch before we reached the top of the hill where we could look down into the peaceful Pamet Valley and see the spires of the churches down below. We hope and pray that nothing will ever change that, and we wish other unspoiled areas of the cape could escape the ever-mounting pressure to commercialize and exploit this lovely "narrow land."

There is much more that I could say about the years my parents labored on their home (one of the two oldest houses in the town) and their property which they purchased because it reminded them so much of their birthplace in England, and to which they came each summer from New Jersey, to beautify and maintain, and about the hopes of their grandsons, our sons, to come to this place eventually to make their homes some day, but I realize your time is limited and you couldn't take time to read the many pages I could write about our love for Truro. I do want to add, however, that during the summers these boys (now men, one a minister and the other a teacher) would not come to the city where their parents were living (even on winter vacations) because they felt their roots were grounded in Truro. It was there they went to get summer employment each year after their winter study for their professions was done and they were ready to go home. We hope they will always have a home in Truro to come home to and they have both said they consider that place their home.

In closing I would like to say that it seems to me the Saltonstall-Kennedy-Keith bill has much merit. We are strongly opposed to the Neuberger bill and we feel the original Boland bill planned to take too many homes in the area.

Sincerely yours,

MARGARET N. AIKEN.

CHATHAM, CAPE COD, MASS., *January 2, 1960.*

Senator LEVERETT SALTONSTALL,
Senator JOHN KENNEDY,
Senate Office Building, Washington, D.C.

DEAR SIRS: Please be advised that we definitely oppose the inclusion of Morris Island and Monomoy Island under your bill, S. 2636, to establish a Cape Cod National Seashore Park.

We firmly believe that to include these two areas is not only impracticable, but would be injurious to our lovely town, and we strongly urge that they be excluded from your bill.

Sincerely,

ESTHER M. BEARSE.
CARROLL A. BEARSE.

CHATHAM, MASS., *January 2, 1960.*

Re Senate bill 2636.

Senator LEVERETT SALTONSTALL,
Senator JOHN KENNEDY,
Senate Office Building, Washington, D.C.

DEAR SENATORS: On December 9, 1959, the Board of Selectmen of the Town of Chatham objected strenuously to the inclusion of Morris and Monomoy Islands in the seashore park.

I hereby state that I fully support the selectmen's objections and want to add that nobody, who has seen the weekend traffic in and around Chatham the last few summers, sanely could suggest to include the two islands into the park.

Chatham's streets are narrow. There is only one and dangerous approach to Morris Island. Traffic around the island, where the approach road to the islands turns off, creates a bad bottleneck presently. The taxpayers of Chatham would have to spend excessive amounts of money to buy up land and buildings to widen access roads and would lose on top of it the tax income from these requisitioned properties.

Personally I believe the whole project is most unnecessary and only a sneaking preparation for some western logrolling project, this election year. Massachusetts will get a few million dollars for this park in exchange for, as usual, 20 to 50 times this amount for one of those grandiose western projects. Who read last year what the Forest and Park Departments want to do this year and in the future must fear for the worst.

Morris and Monomoy Islands must stay out.

Respectfully yours,

WILLIAM R. BOECKL.

NEEDHAM, MASS., *December 3, 1959.*

Senator JOHN F. KENNEDY,
Senator LEVERETT SALTONSTALL.

DEAR SENATORS: This letter is written as strong and sincere backing of your Cape Cod National Seashore Park bill.

It is vitally urgent that this great and unspoiled outer beach of Cape Cod be saved from the type of real estate and private development that has ruined the vast majority of the Atlantic coast. Certainly it is in the best interests of all Americans to have this area preserved as a park which will afford them the opportunity to fish, hunt, and simply appreciate one of nature's most beautiful gifts to this country.

Thank you for every possible effort you can make to influence the passage of the bill.

Respectfully yours,

H. K. BRAMHALL, JR.

WELLFLEET, MASS., *November 21, 1959.*

Senator JOHN F. KENNEDY,
Senator LEVERETT SALTONSTALL,
Senate Office Building,
Washington, D.C.

DEAR SENATORS: Although I am emphatically in favor of preserving our vanishing shoreline, access to the beaches and ponds, and the protection from disfiguration of the dunes and uplands immediately adjacent to the shore, I feel equally strongly that the proposed takings, as presently planned, cover too large an area.

I would like to request that S. 2636 allow continuing residential development throughout that area which is at least 1,000 feet from the shore, bay, ocean, or pond, on a very tightly restricted basis.

All house lots within the now proposed park area might be limited to no less than 3 acres, with only one house per lot, located on the lot by consent of a planning commission. A suggested further restriction would control the cutting of trees and location of roads.

As the bill now stands, the 10 percent which the town may ask to be released for development is nowhere nearly enough to adequately sustain the stable economic growth of our sound residential community, both from the standpoint of our ever-increasing number of summer residents, as against tourists, and our basic large building industry.

Because I am in the building business, and also own acreage within the proposed park, I respectfully request that my thoughts receive your consideration.

Sincerely yours,

PETER G. BROWN.

CHATHAM, MASS., *January 3, 1960.*

Senator LEVERETT SALTONSTALL,
Senator JOHN F. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATORS: With reference to Senate bill 2636, a bill to establish a Cape Cod National Seashore Park, I wish to record my opposition to the inclusion in the proposed park of Morris and Monomoy Islands, and to request that this message be made a part of the record of the hearing held last December 9 at Eastham. I am a property owner and permanent resident of Chatham.

It is my intention, at the forthcoming town meting, to vote against the transfer for park purposes of town-owned land in Chatham, including that situated on Nauset Beach. It is my belief that the proposed park would cause damage to this town that could not be justified by any possible benefit to the United States.

Sincerely yours,

SIDNEY H. BROWNE.

THE CAPE CODDER,
Orleans, Mass., November 24, 1959.

Hon. LEVERETT SALTONSTALL,
U.S.Senate, Washington, D.C.

DEAR SIR: I wish to express my strong support of the Saltonstall-Kennedy-Keith bill (S. 2636 and H.R. 9050) to establish a Cape Cod National Seashore Park.

Having lived here since 1944 and having had the honor to serve as a member of the Orleans Planning Board and as a member of the board of selectmen, I am convinced that this bill is the only way in which at least a part of the natural beauty and history of the cape can be preserved as a national treasure.

I am particularly and strongly impressed with the amount of keen thought and hard work which has gone into the drafting of this poineer park legislation and the extent to which it protects the rights of individuals.

Thank you.

Very truly yours,

FRANCIS P. BURLING, *Managing Editor.*

NORTHAMPTON, MASS., *November 14, 1959.*

Hon. JOHN F. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SIR: As a frequent visitor to Cape Cod, and now as a property owner in Orleans, Mass., I have been interested in the proposed Cape Cod National Seashore Park.

I have studied your bill, as presented September 3, 1959, and feel that you have done an excellent job in this matter—which is far superior to any of the previous bills prepared. I feel that the people of Cape Cod, the Commonwealth of Massachusetts, and the United States can be most thankful for this outstanding work you have done to preserve this beloved area.

I am 100 percent for this bill, and hope that you will be successful in putting it through Congress.

Sincerely yours,

J. E. CAVANAGH, M.D.

NORTH EASTHAM, MASS., *December 1, 1959.*

Senator LEVERETT SALTONSTALL,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I am a resident of Eastham, and have lived here all my life, and my property consists of about 30 acres of quite valuable land, a dwelling house and barn, all within the boundaries of the proposed Cape Cod National Seashore Park. And my house has considerable antique value, it being the oldest house in Eastham.

While I do not see the need of taking such a large amount of back land, and would hope that in the final passage of the bill this would be taken in consideration, I do want to be recorded in favor of S. 2636.

Yours sincerely,

RALPH A. CHASE.

DECEMBER 7, 1959.

Senator LEVERETT SALTONSTALL,
Senate Office Building, Washington, D.C.

DEAR MR. SALTONSTALL: The South Shore Bird Club of Massachusetts would like to go on record as being in favor of establishing the Cape Cod National Seashore Park.

As for the coastal and upland hunting questions involved, we feel that plans for the inclusion of these activities, or not, can best be worked out by the congressional committee working with the local interested parties.

Very truly yours,

CAROLYN CLARK,
Secretary, South Shore Bird Club, Massachusetts.

POCASSET, MASS., *December 11, 1959.*

Senator JOHN F. KENNEDY,
Senator LEVERETT SALTONSTALL,
Washington, D.C.

DEAR SENATORS: I should like to be recorded as a supporter of the outer cape beach park with as much land attached as possible. Here in Bourne most of the shoreline is private; public beaches are crowded just with townspeople. The open shore, used by everyone private or not, is gone. Even the tidal lands which I believe cannot legally be closed are unpleasant to walk during the season they are most attractive. The "No trespassing" and worse "No entry" signs are everywhere.

Sincerely,

IZETTE CLARKE.

SOUTH ORLEANS, MASS., *December 8, 1959.*

Senator JOHN F. KENNEDY,
Senator LEVERETT SALTONSTALL,
Senate Office Building,
Washington, D.C.

DEAR SENATORS: I should like to express my family's unqualified support of your bill, S. 2623, to establish a national seashore on Cape Cod. It is, in my opinion, the best possible way to keep the cape from being spoiled by commercial development. Our land here on Pleasant Bay is just outside the proposed park area, but in many ways we wish it were included, to protect us from future building.

As a family we have camped in many of the national parks in the West, including Yellowstone, Rocky Mountain, Grand Canyon, Mesa Verde, Crater Lake, Sequoia, King's Canyon, and Glacier. We have often stayed in Acadia National Park and have visited many of the national monuments. We feel that they are all a great credit to the country, not only for their beauty, but their care, planning, and upkeep. It would be a privilege to have a national seashore here on the cape.

Sincerely yours,

ELIZABETH C. COCHRAN.

CHATHAM, MASS., *January 2, 1960.*

Senator JOHN F. KENNEDY,
Senator LEVERETT SALTONSTALL,
Washington, D.C.

DEAR SENATORS: Please note that I oppose the inclusion of Morris and Monomoy Islands in Senate bill 2636. Please record this in the record of the hearing held December 9, at Eastham. Thank you.

Very truly yours,

BERT F. CROPLEY.

BERKSHIRE COUNTY LEAGUE OF SPORTSMEN'S CLUBS,
Dalton, Mass., January 1, 1690.

Senator LEVERETT SALTONSTALL,
Senator JOHN F. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATORS: The Berkshire County League of Sportsmen's Clubs wish to go on record in favor of a national park on the Cape in the Commonwealth of Massachusetts, and know that you will do all in your power to make this a reality.

Sincerely,

EDWIN J. CULVER, *Secretary.*

CHATHAM, MASS., *January 3, 1960.*

Senator JOHN KENNEDY,
Washington, D.C.

SIR: As a citizen of Chatham, Mass., I should like to go on record as opposing the taking of Morris and Monomoy Islands for a national park.

I have lived in Chatham for a long time and know the inclusion of this land would benefit no one.

Respectfully,

Mrs. WILLIAM H. CUMMINGS.

PORTLAND, CONN., *November 30, 1959.*

Senator SALTONSTALL,
Washington, D.C.

DEAR SENATOR: I read in November 25, 1959 issue of the Provincetown Advocate that we should write you if we oppose a Federal National Park for Cape Cod.

My grandfather was Captain John Dunham, owner of a ship *William A. Grosier.* His father, Captain John Thomas Dunham was keeper of Long Point after a shark bit off his leg.

I own two parcels of property in Provincetown.

My opinion is, it would be bad for the town to make any section a national park here.

Please vote against a park for Provincetown.

Yours truly,

KENNETH H. DUNHAM.

FOXBORO, MASS., *December 3, 1959.*

Senator LEVERETT SALTONSTALL,
Senator JOHN KENNEDY,
Washington, D.C.

DEAR SENATORS: I am writing to urge you to support the Cape Cod National Park. My husband's family owns property in north Truro and we have vacationed there over 15 years. The changes have been appalling. We all favor this national park.

Thank you for your attention.

Very truly yours,

CECILIA R. EMERY
Mrs. Alonzo A. Emery.

MASSACHUSETTS COUNCIL OF DIVING CLUBS, INC.,
Newton, Mass., December 9, 1959.

Senator SALTONSTALL,
Senate Office Building, Washington, D.C.

DEAR SENATOR: Please register Massachusetts Council of Diving Clubs in favor of establishing a Cape Cod National Seashore Park.

As sportsmen, we feel available land is rapidly disappearing and must be conserved for the general public.

Sincerely yours,

WALTER C. FEINBERG, *Public Relations Officer.*

CHATHAM, MASS., *January 4, 1960.*

HON. LEVERETT SALTONSTALL,
Senate Office Building, Washington, D.C.

DEAR SENATOR SALTONSTALL: With reference to Senate bill S. 2636, the undersigned, being legal residents and voters of the town of Chatham, Mass., would like to protest against the inclusion of Morris and Monomoy Islands in this legislation and would like to have our opposition made a part of the record of the hearing held December 9, 1959, at Eastham.

In our opinion the inclusion of these two islands would do more to hurt the town of Chatham than it would help the whole park project.

Respectfully yours,

EDWARD S. FLASH.
MARTHA S. FLASH.

MASSACHUSETTS SOCIETY FOR THE PREVENTION
OF CRUELTY TO ANIMALS,
ANGELL MEMORIAL ANIMAL HOSPITAL,
Boston, Mass., December 7, 1959.

HON. LEVERETT SALTONSTALL,
U.S. Senate Office Building, Washington, D.C.

DEAR SENATOR SALTONSTALL: We would like to have our organization recorded as in favor of the Saltonstall-Kennedy-Keith bill regarding the Cape Cod National Seashore.

This bill as it is written in our estimation will do a great deal toward providing much-needed protection for wildlife in an area which is rapidly becoming so commercialized and urbanized that there shortly will be no place left for wildlife to live.

Respectfully yours,

ERIC H. HANSEN,
President.
LESTER A. GILES, JR.,
Director of Wildlife and Conservation.

CHATHAM, MASS., *January 4, 1960.*

Senator LEVERETT SALTONSTALL,
Senator JOHN F. KENNEDY,
Washington, D.C.

DEAR SENATORS: I have been a property owner in Chatham for over 25 years.

I am deeply concerned with the proposal that the Federal Government take over developed, and town-owned property for a national seashore park. I feel terribly helpless against the arrival of millions to despoil our towns and individual parcels for their use. After all, the only money Uncle Sam can possibly use comes from taxpayers. It assumes the look of bureaucracy bribing us with our money.

We came to Chatham to locate in our old age because of its unspoiled charm, which of itself is worth preserving for posterity.

I therefore object to the Government taking of Morris and Monomoy Islands for inclusion in this project.

Very truly yours,

HERBERT W. GREENHALGH.

ATLANTIC COAST MARINE SPORTSMEN'S ASSOCIATION, INC.,
Lancaster, Pa., January 4, 1960.

Senator LEVERETT SALTONSTALL,
Senator JOHN KENNEDY,
Senate Office Building, Washington, D.C.

DEAR SENATORS: We are contacting you regarding the establishment of the Great Outer Beach National Park of Massachusetts.

Without doubt, this project will benefit hundreds of thousands of the residents of your State as well as the tourists who visit Massachusetts each year.

The Atlantic Coast Marine Sportsmen's Association which is composed of members from 10 of the Atlantic Seaboard States, and whose membership is well over 100,000, passed unanimously at a recent meeting a motion to support and approve the bill for the establishment of the Great Outer Beach National Park of Massachusetts.

We feel that a national park in Massachusetts would definitely be an asset not only to the State of Massachusetts but would be another step in enhancing the recreational facilities which are so definitely needed by the public today and in the future.

It is our hope that when this bill comes before you that you will give it every consideration and will act on it favorably.

Very truly yours,

Dr. CHARLES G. HAMAKER, *President.*

CHATTANOOGA, TENN., *November 27, 1959.*

Senator JOHN F. KENNEDY,
Senator LEVERETT SALTONSTALL,
Senate Office Building, Washington, D.C.

DEAR SENATORS: I am a native of Massachusetts and until a few years ago I was a resident of that State. Since I continue to be a property owner and taxpayer in that State, I am very much concerned about the proposed national park on Cape Cod which would be established by several bills which have been introduced in Congress, one of which is the Saltonstall-Kennedy-Keith bill.

I am strongly opposed to the establishment of the proposed national park on Cape Cod for the following reasons:

1. Except from an idealistic and socialistic point of view, there is no urgent or compelling reason for the Federal Government to appropriate and seize an area of approximately 30,000 acres which includes many developed sections in the towns of Provincetown, Truro, Wellfleet, Eastham, and Orleans. There is no precedent or justification for including numerous developed areas having hundreds of fine homes within the limits of a national park. Since public bathing and recreational facilities are now provided by the towns on the fresh water ponds, the desired objectives can be accomplished by taking a limited area along the shore and certain other undeveloped representative areas. Developed sections such as I have described should not be included within the limits of the proposed park.

2. Although Senate bill S. 2636 permits owners of "improved property" to retain life-time occupancy rights under certain specified conditions, these rights may prove to be illusory and hypothetical. The reason for this is that such property, being surrounded by campsites and recreational areas, will be overrun and appropriated by campers and tourists who will have no regard for private property located within the limits of a park. Consequently, the owners of such property will have little, if any, privacy and, based on experience in other areas available to the public, property owned by individuals will be desecrated and confiscated.

3. By including developed areas in the park, the overall cost will be prohibitive and not justified. In addition to the estimated initial acquisition cost of approximately $15 million (which is believed to be grossly underestimated), large sums will be needed for surveys, appraisals, development and reimbursement to the towns for loss of tax revenue.

I and my fellow citizens are very much opposed at being committed by our elected officials to pay by means of taxes, huge sums of money for frills and nonessentials when:

(*a*) The present high taxes are very burdensome,
(*b*) The present national debt is approximately $290 billion,
(*c*) There is a prospect of a large deficit this year, and
(*d*) The annual interest charge on the present national debt is approximately $8 billion.

An individual under similar circumstances would be considered very imprudent and foolish to become obligated for the purchase of luxuries, frills, and nonessentials. The Federal Government, which is the functioning body of the people and whose income is derived from the people, should conduct its affairs on a sound, reasonable basis and it should eliminate all unnecessary expenses.

For the reasons outlined above, I respectfully request that you reconsider the proposed plan for a national park on Cape Cod, or at least to consider a modification of the plan so as not to include developed areas within the limits of the park.

Sincerely yours,

ALFRED H. HALL.

NOVEMBER 14, 1959.

Hon. LEVERETT SALTONSTALL,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SALTONSTALL: I favor the Cape Cod Seashore Park for the good of posterity, but with adequate protection for the taxpayers concerned, the property owners within the park, and most important a minimum of land taking as opposed to the maximum in the present proposed park. My view is confirmed by the postcard poll taken by the Eastham Board of Trade, whose return shows that a majority of the Eastham taxpayers favor the park, but with a minimum taking of land—in other words—much less than in the park proposal. Except for the so-called diehards I have found in talking with people here and there in the towns concerned that my view is that of the majority.

Very sincerely,

F. H. JEWELL.

NORTH EASTHAM, MASS.

Senator JOHN F. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SIR: I am all for the national park at Eastham and the cape. Many of us are disturbed at the devastation now being done on the Doane Road side, near the Coast Guard station, up to the old Jacques House, at Eastham salt pond is to have a motel shortly—a great beauty spot much frequented by artists.

By all means let us have the park—but quickly.

Yours truly,

DOROTHY D. JOHNSON.

BRANDT-JORDAN CORP.,
West Chatham, Mass., December 4, 1959.

Re Senate bill S. 2636

Senator LEVERETT SALTONSTALL,
Senator JOHN F. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATORS: As a resident of Chatham, Mass., I wish to state that I am heartily in favor of the Saltonstall-Kennedy-Keith bills on the proposed Cape Cod National Seashore Park, and favoring the desirable protection to the rights of the individual residents.

Yours very truly,

ROBERT S. JORDAN.

STATEMENT OF GEORGE G. LORING, MANCHESTER, MASS.

I am a citizen of Massachusetts. 32 years old, father of four. I strongly believe that the United States should be a capitalistic country with reasonable legal restrictions on free enterprise, as we now are. I am writing this letter because I feel that within a capitalistic, free enterprise framework, it is impossible to provide the necessary recreational opportunities for a freedom-loving

people unless the Government makes plans for this and takes the necessary steps to carry it out, hurting as few people as possible, but, nevertheless, doing sufficient setting aside of land to provide the citizens of all the States with those features of our landscape which are unique and irreplaceable. In the past, the Government has been active in acquiring some lands, but a great deal of the initiative has come from a very small number of farsighted individuals. They have, in my opinion, been too few, and the job has been inadequately done.

With the respect to the acreage now under consideration on Cape Cod, it probably could have been purchased by our people in the 1930's for $300,000 to $500,000, or in the previous century for even less. Now we must pay anywhere from $20 million up, for the same area, useful for the same purposes as it would have been in earlier years. Why such a delay? Was the cape not beautiful then? Were not men inspired by lonely dunes and clear, sand-bottomed ponds? Was the southward migration of shore birds any less impressive?

I think these are the reasons: Many cape people thought that these things would never be changed, because the area seemed so vast. There just didn't seem to be enough people to ever make the area a crowded summer playground. Others, probably the majority, just didn't think about it at all. The present has enough problems without worrying about the future. I suppose there were many others who wanted to develop the cape as a means of producing profits in the future, with regard only as to the most return from their investment in living there.

I daresay that few Americans would claim that our country is today more beautiful than it was 50 years ago, or even 20 years ago. The important change that is taking place, is that many more of us care that the beauty of our country is disappearing at too fast a rate. Few of those of us who do care can do what the Rockefellers have done and acquire large tracts of beautiful land to make sure certain beautiful places aren't made less attractive by unregulated development; and then make these places available to their countrymen. Many of us can only urge that as a country or a State or a community, that America be kept attractive and semiopen. We take a lot of abuse for this, but we are perfectly willing to do this as long as the areas that have been preserved in the past are proving their worth by their successful use by the public. The freedom to enjoy the natural grandeur of our country has usually been taken for granted by Americans. This has not been much of an issue at the polls. If these beauties are intensively developed they are taken from the many and benefit the few.

Grandeur implies size, and open, sweeping views. A square mile, or 5, or 10, does not qualify. Miles of open beach, a whole snowcapped mountain range, the waterfalls, and whole canyons are grandeur. The scenery of Niagara Falls was grandeur. Overdevelopment has made it a question of whether it is even grand any more. The memories of inspiring scenes cannot endure the passing of generations as the memories of great men. They have to be experienced to inspire. Reading of how America looked to the explorer's eye cannot lift our thoughts as can the rare sight of a great, virgin valley or the experience of wilderness travel in today's world. These things are getting rarer every day, and yet we need more than we now have in certain parts of the country, more than we need the kind of cottage building and unrestricted commercial development that tends to replace them.

I don't mean to say that I think Manhattan Island should still be a wildwood, or that we should encourage the return of mosquitoes and snakes to abound on the shores of the Potomac in the District of Columbia. There should, however, be enough places for each of us to be able to take the next generation to show them what a grass prairie looked like, or a redwood forest, or a salt marsh. Private individuals used to own these, protect them, and protect the people who got in trouble using them. They can no longer afford to do this. Corporations cannot own land that is not making a profit or accruing value at a rapid rate. Only our collective might as voters can provide us with these needs.

The number of Americans who feel as I do are still too small for providing properly for the future, and the burden of acting as guardians ad litem for future generations must fall on those in our legislature who will dare to be leaders for future generations' sakes. Whereas our legislators have borrowed heavily to finance roads which take us to beautiful places, they have largely ignored the problem that the increased numbers of vacationists create when they arrive at these destinations. The acquisition of Cape Cod land is a good step in the right direction. Others should follow before so many people are hurt by land takings, that the job cannot be done. The number of landowners

that have been deprived by highway takings will always overshadow injuries by taking these lands for preservation.

I have visited a great many park areas, Federal and State, in our country. I have not seen one yet of which I could say, "I am sorry that this was acquired in the name of the public." I have been to many places where I could say, with little fear of contradiction, "What a shame we (the people of the United States) have lost this place forever." The area to be encompassed by this park is surely one of the truly magnificent and unique localities of our Nation.

We now have many fine parks, but with the prospect of 30 million more people by 1970, they will not be enough. Moreover, interest in outdoor recreation and camping has increased at a rate equaling that of almost any growth industry in the country, and the rate will accelerate in the next 20 years. The areas near where most people live are far from adequate. In the Great Lakes and Northeastern areas, where these problems are the greatest, a study of unspoiled and beautiful areas shows that there are few, and that most of them are being developed for restricted use at a rapid rate. It is fact that all facilities are crowded, more people are seeking what there are, and it is getting late. The number who may be deprived of something precious to them by a project such as the Cape Cod park is small compared to the many who will otherwise be deprived in our own generation, and those many more to come. I wish I could truthfully feel that our national leadership appreciates the problem.

I urge that legislators support the creation of this park. The bill is reasonable, and though I feel it will not preserve enough, nor protect enough, I am sure there are those who feel it will preserve too much and takes too much land out of circulation. It is a fair compromise as it has been revised.

HARVARD UNIVERSITY,
GRADUATE SCHOOL OF PUBLIC ADMINISTRATION,
Cambridge, Mass., November 25, 1959.

Senator JOHN F. KENNEDY,
Senator LEVERETT SALTONSTALL,
U.S. Senate, Washington, D.C.

DEAR SENATORS: The purpose of this letter is to express my very deep interest in, and support of, the bill which you have drafted to establish a national seashore park on Cape Cod. Congratulations for a very sensitive and careful job of adapting the general principles of national park legislation to the very special conditions which prevail on the cape.

If you wish, I am quite willing to testify in support of the legislation; but since I am not a cape resident, I think it more appropriate to do so in Washington after Congress reconvenes than in Eastham in early December.

Sincerely yours,

ARTHUR MAASS, *Professor of Government.*

BOXFORD, MASS., *December 6, 1959.*

DEAR SENATOR KENNEDY: I am unequivocably in favor of the establishment of a Cape Cod National Park. The changes from the original proposal that were the result of collaborative efforts on the part of yourself and some of your colleagues, cannot help but satisfy the objections raised by landowners whose holdings will be included within this park. I only wish I were one of them, and were given the security that proximity of a national park necessarily bestows upon them and their surroundings. I can think of no happier outcome that would assure maintenance in status quo of such wild lands as I possess.

To aid in the preservation of nature's unspoiled beauty, to maintain this intact for future generations, that, it seems to me is one of the most important functions that we can exercise, a function that grows more urgent, more significant, as population increases, and open country decreases.

Sincerely,

CHARLOTTE LANDIS MADDOCK, M.D.
Mrs. Stephen Maddock.

MONSON, MASS., *January 1, 1960.*

Senator LEVERETT SALTONSTALL,
Senator JOHN M. KENNEDY,
U.S. Senate, Washington, D.C.

DEAR SENATORS: My name is Dr. Frank G. Maguire. I am 76 years old, a summer resident of South Wellfleet from about May 15 to October 15 each year. In August 1938 I purchased 15 acres of land at South Wellfleet with 165 feet on the Atlantic Ocean. In 1939 I built a summer home facing the Atlantic Ocean which I still occupy summers. Since then I have built 11 furnished cottages which I rent. I love the sea and wish to occupy my summer home and keep my cottages for rent as income. I have during the last 15 years bought other lots and pieces of land for sale and development. For many years I have sold lots on which houses have been built. Many of these are rented, but some are used for homes, both permanent and summer. During these years none of this land has been used for commercial use that I can recall. I cannot think of anything of a commercial nature in the South Wellfleet or Wellfleet area on the Atlantic Ocean with one exception. During my 20 years of ownership the land on the Atlantic Ocean side of the Wellfleet area has been sold almost without exception for either present or future homes or for rental purposes. In regard to the ones for rent, many people from Canada and Eastern United States are turned away each summer because they cannot rent a cottage where they can see the ocean. They come long distances so they and their children can rent a place on the ocean front. I have had them tell me that that was the first time they or their children have ever seen the ocean. Also, many people have bought lots from me so that they could build themselves a home to retire when they got to that age where they could spend their remaining years with an ocean view.

If the National Park takes the land, we will say by purchase, these people and future generations will be forever deprived of that chance. Also, if the National Park gets possession of the land I understand that all the buildings will be moved from the property. This will take off many fine old landmarks which, to many people, will take away a great part of the appeal of Cape Cod. If this is so it seems to me to be more recreation and not conservation, unless by conservation is meant just the land and trees. To me preserving Cape Cod as it is would be better done by keeping all the old buildings on it.

I am an old man and cannot expect many more years to enjoy the beauty of the ocean and the land near it. But I would like to speak for the future generations that they have a chance to buy land and build themselves homes where they can see and enjoy the ocean and not be forever barred in owning such a place.

Cape Cod is at the end of the U.S. Route 6. People go there mostly for recreation and mostly for or during a 10-week period. The rest of the year the summer places and land are idle. People who own summer places go there not only during the summer but weekends during the winter. In my estimation the time of worry about the Wellfleet ocean front has passed; about 10 to 15 years ago when land could be bought cheap was the danger period. It is now working toward homes, and what better use could it be put to?

I think the National Park Service should take the province lands consisting of about 4,500 acres or leave it to the present owner, the Commonwealth of Massachusetts, to develop as a park which they have already started to do. This would take care of many visitors and allow them miles of beach, both ocean and bay. Much of the land which I now own I bought at low prices some years ago. Now, the prices have advanced so that if the National Park paid me a fair price for my land I would have to pay a good share of it back in income taxes. Let us give the future generations a chance to own a home where they can see and enjoy the ocean as I have done. I want to go on record as being against the taking over of the Truro and Wellfleet ocean front and land nearby for National Park Service. Leave it for the homeowners, present and future.

Very truly yours,

Dr. FRANK G. MAGUIRE.

SILVER SPRING, MD., *November 23, 1959.*

Hon. LEVERETT SALTONSTALL,
U.S. Senate, Washington, D.C.

DEAR SENATOR SALTONSTALL: Supplementing my letter of September 27, 1959, may I respectfully request that the following thoughts be included in the public hearing at the Eastham Town Hall, December 9, 1959?

1. That an opportunity be given present property owners to regain possession of their properties at the same price at which the Government would acquire them, in the event that the proposed park plan were abandoned.

2. That there be no less opportunity for recreation, including swimming, surf-casting, and boating, in the proposed park area than there are at present.

3. That residents within the park area be permitted free access for the duration of their occupancies.

4. That qualified residents of the towns involved be given priority consideration for any jobs created by the establishment of the proposed park.

5. That the proposed park be accessible to the public 365 days in the year, except during a national emergency.

6. That regardless of the final form of the proposed park, the six town governments would function as usual, in collaboration with the Secretary or the National Park Service.

7. That residents within the park area would not lose their right to vote.

8. That the fair market value cited in the bill be based on recently recorded sales in the area in question on the date of acquisition.

9. That the qualifying statement "less the fair market value on such date of the right retained by the owner" (sec. 4(a)) be eliminated.

10. That section 5 of the bill be deleted as unworkable or susceptible to local politics.

11. That the sentence "Nothing in this act shall limit the power of the Secretary to acquire lands and waters for any migratory bird refuge" (sec. 9(c)) be eliminated.

12. That sufficient emergency funds be made available to the NPS for immediate repair of damage to the shoreline, or to homes acquired by the Government, as a result of storms, fires, or hurricanes.

13. That certain noncommercial uses in connection with private ownership, now permitted on the lower cape, and all a part of the "way of life," such as the keeping of saddle horses, goats, ducks, chickens, flower and vegetable gardens, sales of homegrown products, etc., be permitted after the establishment of a park.

14. That the Cape Cod National Seashore Advisory Commission be modified as follows:

(*a*) One member from each town appointed by the respective boards of selectmen, six.

(*b*) One member appointed by the Governor, one.

(*c*) One member appointed by the Secretary, one.

(*d*) One member appointed by the selectmen to represent the out-of-town property owners, one.

15. That the NPS plan of dividing a narrow strip of land into two smaller areas be rejected as impracticable and lacking imagination.

16. That further study be given to the NPS plan of proposing a national park in proximity to two large metropolitan areas.

17. That consideration be given to an alternate plan of including the whole lower cape, from the Eastham-Orleans line to Provincetown in the proposed park, but excluding the lands of Orleans, East Orleans, and Chatham. Within the alternate area, existing business areas would generally be left as is; all homes over 100 years old would be left in private in perpetuity ownership; remaining homes would be eligible for private in perpetuity ownership only if approved by the Secretary; excess land not specifically required by the NPS would be developed on the basis of one traditional house to a specified acreage and become part of private in perpetuity ownership; and all beach areas would be open to the general public.

Thank you for giving me the opportunity to express my thoughts on this vital proposal.

Sincerely yours,

CHARLES W. MASKELL.

CHATHAM, MASS.

Hon. JOHN F. KENNEDY,
U.S. Senate,
Washington, D.C.

SIR: I wish to go on record as being opposed to Senate bill 2636 which would include Morris, Stage, and Monomoy Islands as part of the national seashore park.

Respectfully yours,

MARIAN W. MCNEECE
Mrs. Robert A. McNeece.

NORTH CHATHAM, MASS., *January 4, 1960.*

Hon. LEVERETT SALTONSTALL,
Senate Office Building,
Washington, D.C.

DEAR MR. SALTONSTALL: I am a resident of Chatham and wish to state that I support the stand of our selectmen as regards Senate bill S. 2636. I oppose the inclusion of Morris and Monomoy Islands in the proposed park although I am otherwise in favor of the park. I will vote for the inclusion of Nauset Beach (that part within Chatham in the park only if Morris and Monomoy Islands are excluded from the park.

Thank you very much for your consideration of my opinion.

Yours truly,

JOHN. G. MOSHER.

POCASSET, MASS., *December 3, 1959.*

Senator LEVERETT SALTONSTALL,
Senator JOHN KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATORS: I wish to go on record as being entirely in favor of your bill to establish a Cape Cod National Park.

Something of the kind needs to be done and soon.

Sincerely yours,

MILDRED MOWLL.

THE MULLEN CO.,
North Attleboro, Mass., November 28, 1959.

Hon. JOHN F. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR MR. KENNEDY: The members of the Southeastern Massachusetts-Cape Cod Chapter of the National Campers and Hikers Association are unanimously in favor of the Government establishing a Cape Cod Seashore National Park on Cape Cod.

Cape Cod is a natural recreation area second to none in this country. If the U.S. Government doesn't preserve its natural beauty from speculators it soon will become a second Coney Island. Besides now that the cranberry growers have been sold down the river by Mr. Flemming, they will need summer visitors to provide work for them.

As field director of the National Campers and Hikers Association I know that thousands of campers are turned away from Cape Cod because they cannot find space in the private-owned and State-owned Roland C. Nickerson State Forest Park. You being a resident of Cape Cod during the summer know that visitors from every State in the Union love the cape. So, let's have a national park with hundreds of camping spots for campers. Campers spend money and the cape will need money.

If we can do anything to promote the park please let us know.

Cordially yours,

PETER P. MULLEN,
Field Director, NCHA.

CHATHAM, MASS., *January 4, 1960.*

Senator SALTONSTALL,
Senate Office Building,
Washington, D.C.

DEAR MR. SALTONSTALL: As a property owner on Morris Island Road in Chatham, Mass., I would like to oppose the inclusion of Morris and Monomoy Islands as stated in Senate bill 2636.

I would like for this letter to be made a part of the record of the hearing held December 9, 1959 at Eastham, Mass.

Sincerely,

KATHERINE W. MURRAY,
Mrs. Verne L. Murray.

HAVERFORD, PA., *November 23, 1959.*

Senator LEVERETT SALTONSTALL,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SALTONSTALL: I own a summer cottage on the shore of Wellfleet Bay directly across the street from Mr. Saltonstall's "The Colony." This is outside the area of the proposed Cape Cod National Park but close to it. I want you to know that I favor passage of bill S. 2636 which would create such a park even though it would expropriate a large fraction of the taxable property of Wellfleet and Truro. I believe the provisions in your bill which are intended to alleviate this situation will, in the long run, be able to do so, though I know many of the permanent residents of these towns are opposed to it. This is understandable. Unless this bill goes through this area is soon going to be overrun with the type of development that will ruin the cape as a delightful recreation spot. Mrs. Palmer joins me in wishing to bring our views to your attention.

Good luck to you and bill S. 2636.

Sincerely,

FREDERICK PALMER.

WESTWOOD, MASS., *December 2, 1959.*

Senator LEVERETT SALTONSTALL,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I have read that a hearing is to be held in Eastham, Mass., on December 9 and 10, 1959, concerning the Cape Cod National Seashore Park bill. Inasmuch as it will be impossible for me to attend on either of these hearing dates, I would be very grateful if you would place my name on record in strong support of the establishment of this park and this bill.

As a native New Englander, and a part-time resident of Cape Cod all of my life I am firmly convinced that this type of park is our one hope of preserving the few remaining portions of Cape Cod in their native State.

Thank you very much.

Very truly yours,

CASPAR RANGER III.

STATEMENT OF MRS. ALBERT C. REED, EASTHAM, MASS.

I earnestly urge that thought be given to some inspirational and esthetic values of such a park; values other than the recreational ones derived from swimming and bathing along the ocean beaches.

Particularly I would like to call attention to the uplands, the pitch pine woodlands, and the scrubby rolling knolls, within the proposed park area. Many breeding species of birds, flowering shrubs, and flowers, which add to the charm of Cape Cod, are dependent on such unmolested tracts of land. For examples:

The hermit thrush, one of the finest singers in the world, needs such unspoiled pine woodlands. Ordinarily this is a bird of mountain forests, but strangely, it deviates from its general pattern, and nests here. In these pine barrens also are found the pine warbler, wood pewee, mourning dove, crested flycatcher, great horned owl, and towhee. These birds may be found in similar

types of woodland elsewhere, but they cannot tolerate town areas and will tend to disappear as their habitat is taken over by houses, buildings, road construction, etc.

The woodcock, whose musical aerial performance at twilight has often been placed equal, in bird artistry, to the towering daytime aerial singing of the skylark, requires the damp woodlands around ponds, such as are found in Wellfleet.

The whippoorwill desires a combination of woodland and open spaces, and it has always been a distinctive feature about the cape's rural homes away from towns, arousing much comment, amusement, and an awakening interest in wildlife.

The scrubby knolls form the distinct habitat of the prairie warbler, found, in New England, practically only on Cape Code. The bobwhite also is found, in New England, practically only on Cape Cod. The little family groups of the latter, which may frequently be seen scurrying across less-used roads afford much delight to summer visitors.

The beautiful song of the vesper sparrow is only heard on the rolling uplands, generally not far from the coast. Grasshopper sparrows need the open fields, as does also the migrating upland plover which comes down to rest and feed here. One should mention this last, because the upland plover is now one of the diminishing species the country over, and is even threatened with extinction. Breeding prairie horned larks require the salt meadows, as do likewise the savannah sparrows, while the sharp-tailed sparrow keeps chiefly to the salt marsh proper.

The extensive bearberry ground over, found on the uplands and in woodlands, are wonderful feeding areas for birds in the fall when the berries are ripe. Then I have seen them fairly alive with various species of warblers, thrushes, kinglets, and bluebirds. Bluebirds need proection and encouragement everywhere.

One would also like to call attention to the need of preservation of the arbutus, the wild blue lupine, shadbush, beach plum, and bearberry, which in their blooming give the cape such rare, fragile, fleeting beauty in spring; and to the autuminal scarlet splendor of the blueberry bushes on knolls overlooking the sea, and to the crimson alder thickets in swamps, in the fall.

Surely such birds, and flowers, and trees, are a vital part of the charm of Cape Cod, and only a national park area can insure them to future generations.

Recently, a few thousand people so crowded into one small sanctuary, that the remark was made, "One could scarcely see the birds for the people." The very fact that millions of people seek our national parks for vaction only proves their need for the beauty, solitude, serenity, or religious significance which they find in such unspoiled areas; a kind of soul satisfaction, enjoyment, and lack of tension, much needed in the materialistic and mechanized age in which we live today. Who can say what will become of art, music, poetry, and creative thinking of all kinds, when people go away to the seashore or country for esthetic, inspirational, and restorative values, only to find such places destitute of them?

WILMINGTON, DEL., *December 3, 1959.*

Hon. LEVERETT SALTONSTALL,
Hon. JOHN F. KENNEDY,
Hon. HASTINGS KEITH,
Subcommittee on Public Lands,
Senate Committee on Interior and Insular Affairs.

GENTLEMEN: My property is on the cape, in the town of Truro, on South Pamet Road, near the ocean beach. It consists of almost an acre of land on which we have a modern cottage, purposely "tucked into the pines" so as not to offend the lovely Pamet Valley of which we have a wonderful view. We are at present summer residents in our own cottage but we bought the property with the thought of retiring to it after 5 years when my husband expects to retire.

We are in favor of making the cape a national park, or rather of having a national park on the cape—the acreage seems high, and several of our inhabitants of the Pamet Valley were bitterly opposed this last summer to making the valley part of the park, pointing to the fact that it has been spoiled very little. My feeling is that their heirs might split that land and at some future time sell it in small lots; therefore, I am for its inclusion in the park area.

I have saved the Saltonstall-Kennedy-Keith bill and almost all literature on the park since it first appeared in the newspapers. I have a few questions:

(1) If a condemnation clause is written into the legislation, what protection would one have even if one were given life tenancy or 25-year occupation rights?

(2) If a mortgage is still against the property, how is that taken care of?

(3) If for reasons of health one could not live out one's entitled time in one's place of occupancy, what can be done about it?

(4) Would one be permitted to make any improvements or additions after selling the property to the Federal Government? I know from Mr. Wirth's answer to someone's question that one is responsible for repairs and maintenance. What about insurance (*a*) of the property, (*b*) of the contents of the house?

Since I can't be present at any winter hearing at any time, I hope to find an answer to my questions in a printed form before too long.

I was very gratified to see that the "kettle holes" in the Truro-Wellfleet Bay area will become part of the proposed park. We saw markers around some not only this last summer but before that; undoubtedly, they were for real estate purposes. What pity, should they be overlooked.

Sincerely yours,

Mrs. George C. Reeser.

Washington, D.C., January 6, 1960.

Mrs. George C. Reeser,
Monroe Park Apartments,
Wilmington, Del.

Dear Mrs. Reeser: Thank you for sending each of us your letter regarding our bill, S. 2636, to establish Cape Cod National Seashore Park. We have delayed answering it until we could take this opportunity to make a joint reply.

We are arranging, as you requested, for your letter to appear in the record of the hearings held by the Subcommittee on Public Lands of the Senate Committee on Interior and Insular Affairs in Eastham on December 9 and 10, and in order that the record may be complete we are also arranging to have this letter, containing our answers to the specific questions which you raised, printed immediately following yours.

There follows your questions and our answers thereto:

Question 1. If a condemnation clause is written into the legislation, what protection would one have even if one were given life tenancy or 25-year occupation rights?

Answer: The provision in subsection 4(a) of the bill giving any owner of improved property the right to retain his property for noncommercial residential purposes for 25 years or life as he chooses, is intended to be a minimum guarantee to each homeowner and not an alternative to the safeguard through suspension of the condemnation power provided in subsection 4(b). The guarantee under subsection 4(a) would be significant to any homeowner whose property was liable to possible condemnation through failure of his town to adopt zoning, in accordance with section 6, because of such failure not bringing into play the suspension of condemnation authority provided in subsection 4(b).

Question 2. If a mortgage is still against the property, how is that taken care of?

Answer: Nothing in the legislation is intended to have any effect on any outstanding mortgage on property included within the diagram of the park. The rights and duties of mortgagor and mortgagee under any such mortgage would presumably be governed entirely, as is now the case, by the terms of the mortgage and the laws of the Commonwealth of Massachusetts. However, the authors realize that this problem may need some special clarification and are prepared to improve the bill in this respect.

Question 3. If for reasons of health one could not live out entitled time in one's place of occupancy, what can be done about it?

Answer: We construe this question to be asking what right an owner of a home would have to sell or lease his property in the event that he himself could not; or would not wish to, continue occupying it himself. Under the terms of the bill, if the owner had sold his property to the park and retained a term of occupancy up to 25 years he would under subsection 4(a), during such fixed term, be able to sell or lease his property in its entirety to another person for noncommercial residential purposes for all or a part of the term remaining at the time of such sale or lease.

If he retained a life interest, he would under the terms of the bill have no right of sale or lease except as agreed to between himself and the Secretary of Interior in the conveyance of the property for the park.

If the homeowner's property has become insulated from the power of condemnation under subsection 4(b), by reason of the town's adopting zoning in accordance with section 6, then in such case he would be completely free to sell or lease his property for noncommercial residential purposes (the zoning adopted would preclude any other purpose) just as if no park had been established.

Question 4. Would one be permitted to make any improvements or additions after selling the property to the Federal Government? I know from Mr. Wirth's answer to someone's question that one is responsible for repairs and maintenance. What about insurance (*a*) of the property, (*b*) of the contents of the house?

Answer: We construe the question to assume that the property was sold to the park with a right of occupancy, for a term up to 25 years or for life, retained. Nothing in the bill would preclude the occupants making improvements or additions to the property, assuming that they would not constitute a change of use in the property to other than noncommercial residence. It should be noted, however, that the last sentence of subsection 4(a) would preclude payment to the owner of the value of any improvements or additions made after the date of selling the property to the park.

So far as real and personal property insurance is concerned, these would remain the responsibility of the occupant like maintenance and repair expenses. He would not be compelled to have insurance any more than is now the case without a park, but he would have to bear the cost of any insurance he elected to carry.

We hope that the foregoing will satisfactorily answer your questions. If we can clarify further or add anything, please be sure to write again.

With every good wish.

Sincerely,

JOHN F. KENNEDY,
LEVERETT SALTONSTALL.

MILTON, MASS., *November 24, 1959.*

Senator LEVERETT SALTONSTALL,
Washington, D.C.

DEAR SENATOR: I am grateful to you for your imagination and foresight in perceiving the benefit that Cape Cod National Seashore Park will be to the people of this country, and for your painstaking work to make the provisions of the bill, establishing the park, more practical.

Very sincerely,

HOPE H. RICHARDSON.

THE BRANDT CORP.,
Long Island City, N.Y.

Re Senate bill 2636.

Senator LEVERETT SALTONSTALL,
Senator JOHN F. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATORS: As a property owner on Nauset Beach, Mass., I wish to state that I am heartily in favor of the Saltonstall-Kennedy-Keith bills on the proposed Cape Cod National Seashore Park, and favoring the desirable protection to the rights of the individual residents.

Yours very truly,

HOWARD J. ROSE.

CHATHAM, MASS., *January 4, 1960.*

Senator LEVERETT SALTONSTALL,
Senator JOHN F. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: As a resident of the town of Chatham, Mass., I want to go on record with you as opposing the inclusion of Morris and Monomony Islands in

the proposed Cape Cod National Seashore Park and ask that this opinion may be made a part of the record of the hearing held December 9, 1959, at Eastham, Mass.

Very truly yours,

CHARLES T. RUSSELL, Jr.

PITTSBURGH, PA., *December 31, 1959.*

Hon. LEVERETT SALTONSTALL,
Hon. JOHN F. KENNEDY,
U.S. Senate,
Washington, D.C.

MY DEAR SENATORS: As a summer resident and taxpayer in Chatham, Mass., I should like to go on record as firmly supporting the official position of the town of Chatham relative to the withdrawal of the Monomoy and Morris Island areas from the boundaries of the Cape Cod National Seashore Park (Senate bill 2636).

Having been a visitor to Chatham for 25 years and a summer resident there for over half of that time, I have been impressed with the continuing and successful efforts of the town of Chatham to preserve the natural beauty and basic residential character of the community. Even casual observation will demonstrate the success of their efforts when contrasted with the other areas of Cape Cod.

As a registered professional engineer and one who has studied a number of the waterfront improvements in Chatham over the past several years, I am firmly of the opinion that the inclusion of Monomoy and Morris Islands into the national seashore park would involve a completely disproportionate expenditure of Federal funds if these areas were to be made useful and accessible. At the same time, such efforts would destroy the present character of the town of Chatham with consequent effect upon property values.

Also as the father of six children, I would hope that the charm and natural beauty that now exists in Chatham could be preserved for them.

Sincerely yours,

J. T. RYAN, Jr.

NEW YORK CITY, N.Y., *November 30, 1959.*

Senator JOHN F. KENNEDY,
Senator LEVERETT SALTONSTALL,
Washington, D.C.

DEAR SENATORS: I am part owner of some land in Provincetown which would be taken by the proposed park on the ocean.

I am opposed to any park at all, for the following reasons:

1. The proposed park is too near Boston and the densely populated eastern seaboard region. It would not preserve the beauty of the cape, but would become a paper-littered eyesore, just like the present State-owned new beach in Provincetown.

2. The towns would not have any room to expand (Provincetown already needs more room) and they would soon be ruined by this lack. For example, in order to build business enterprises, businessmen would soon be tearing down the quaint and beautiful old houses.

3. Taxes on remaining private property would go up much faster than if no land were seized for a park.

4. Provincetown already has State-owned dunes and beaches for the use of the public.

5. The towns left would be too small to accommodate more visitors than they already have. There are not enough roads to accommodate more cars—and we don't want any more roads. Provincetown is already a madhouse of crowds in the summer. Don't bring in a greater influx of transients.

6. I am opposed to the unjust seizure of land at prices which would probably be less than the actual value.

7. I want to state my conviction that if any land were to be taken, it should be taken for a bird and wildlife sanctuary rather than a park. If it were a wildlife sanctuary, Cape Codders could feel assured that there would be no building of Government bathhouses, roads, parking places, comfort stations, and restaurants. All these things destroy the natural beauty which Cape Codders wish to preserve, and these things will inevitably arise in any park.

My belief is that the best hope for preserving the charm of the cape lies in rigid local zoning laws and self-discipline, under private ownership.

My sister and I own a strip of land in Provincetown extending to the ocean, which is incorporated under the name Mebbo Realty Corp.

Sincerely,

ELIZABETH SCHWARZ.

NEWTONVILLE, MASS., *January 3, 1960.*

Senator LEVERETT SALTONSTALL.

DEAR SIR: As a property owner and summer resident of Chatham since 1916 I am very much opposed to the inclusion of Morris and Monomoy Islands in the bill to establish a Cape Cod National Seashore Park sponsored by Senators Saltonstall and Kennedy.

Respectfully yours,

Mr. and Mrs. CHARLES P. SLOCUM.

MIAMI, FLA., *November 30, 1959.*

Senator SALTONSTALL,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SALTONSTALL: As a property owner in both Chatham and Brewster, Mass., I wish to inform you that I am very much in favor of a national park being established on Cape Cod, Mass., as set forth in the Saltonstall-Kennedy bill.

Yours very truly,

ROBERT J. SPOHN.

MIAMI, FLA., *November 30, 1959.*

Senator SALTONSTALL,
Senate Office Building,
Washington, D.C.

DEAR SIR: As a property owner in Chatham, Mass., I am very much interested in what happens to and on the cape.

Establishing a National Park would be a very good project. I am in favor of it.

Sincerely,

ANN SPOHN.

BELLEVILLE, N.J., *January 6, 1960.*

Senator JOHN KENNEDY,
Senate Office Building,
Washington, D.C.:

As an old Princeton classmate and former friend of yours and presently summer resident and landowner, Chatham, Cape Cod, urgently request you oppose inclusion of Morris and Monomoy Islands in proposed national seashore park.

MARTIN T. TIERNAN.

CHATHAM, CAPE COD, MASS., *January 2, 1960.*

Senator LEVERETT SALTONSTALL,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR SALTONSTALL: We are writing in regard to Senate bill 2636, a bill to establish a Cape Cod National Seashore Park.

We wish that this be made a part of the record of the hearing held December 9, 1959, in Eastham, Mass., that we oppose the inclusion of Morris and Monomoy Islands. We feel definitely that it would not be for the best interests of the town of Chatham.

We hope that you will give this your sincere support.

Very sincerely yours,

Mr. and Mrs. A. C. WALTON, Jr.

CHATHAM, MASS., *January 2, 1960.*

Senator LEVERETT SALTONSTALL,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SALTONSTALL: As a member of the Chatham Planning Board and as president of the Chatham Chamber of Commerce, I write to urge the exclusion of Morris Island and Monomy Island from the proposed Great Beach National Park.

I, personally, am in complete agreement with the Chatham selectman and the thinking as presented by our selectman, Mr. McNeece, at the public hearing held in Eastham, Mass., last December 9, and trust that this letter will be made a part of the record of that hearing.

Yours very truly,

E. MELSON WEBSTER.

NORTH EASTHAM, CAPE COD, MASS.,
November 21, 1959.

Senator LEVERETT SALTONSTALL,
Senator JOHN F. KENNEDY,
Senate Office Building, Washington, D.C.

DEAR SIRS: Please permit me to go on record with you as a year around resident and property owner of Eastham, Cape Cod, Mass., who is 100 percent in favor of the Cape Cod National Seashore Park as set forth in your bill S. 2636.

Sure, there will be problems of zoning, of taxation and of a hundred other kinds; these, however, are not insurmountable. I'll have to pay the higher taxes, if any, here in Eastham and I have to make a living just like most everyone else who lives here, but I think first things should be put first, and I think the preservation of this beautiful Cape Cod, as nearly like the Good Lords gave it to us all, is far-and-away a first of the greatest magnitude.

There will never be another Cape Cod. This is it. This is the Nation's last chance. I believe the sacrifice should be made—in a town's entity, in property, in homes, if necessary—in order to preserve this unusual beauty for the whole Nation's future.

My one hope is that your bill will be passed without delay and that the park may become a reality quickly, before any further commercialism or other spoilage of the natural beauty here.

Thank you for your good efforts in behalf of all the people of the United States.

Sincerely yours,

HAROLD D. WHITE.

NEW YORK-NEW JERSEY TRAIL CONFERENCE, INC.,
Jackson Heights, N.Y., December 7, 1959.

Senator JOHN F. KENNEDY,
Senator LEVERETT SALTONSTALL,
Senator FRANK A. MOSS,
Senate Office Building, Washington, D.C.

DEAR SENATORS: The New York-New Jersey Trail Conference, Inc., has adopted a resolution favoring the establishment of the proposed seashore park on Cape Cod, as set up in the bills S. 2636 and H. 9050. We are an organization representing over 5,000 lovers of the outloors and of natural beauty.

With the explosive growth of our population, and the mobility given by the autmobile, our open spaces are being rapidly filled up. Preservation of as much of our natural heritage as is possible seems to us to be essential for the good of the country, and if we do not act promptly, it will be too late to save much that should be kept for the recreation and enjoyment of the public in future generations. There is tragically little seashore remaining that can be saved. The Cape Cod proposal will give a breathing space for the whole Boston metropolitan area, and will preserve an area of great natural and historic interest for the Nation.

We sincerely trust that the committee will report the bill favorably to both Houses, and that you will do everything possible to assure its prompt passage by the Congress.

Very truly yours,

SAMUEL WILKINSON, *President.*

SPRINGFIELD, MASS., *December 2, 1959.*

Senator LEVERETT SALTONSTALL,
Senator JOHN F. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATORS: Re taxpayers in Orleans, Dr. Williams and I are gratified by your efforts toward a national seashore on Cape Cod. It is our feeling that passage of some bill such as your S. 2636 is the only thing that will save the cape for our Nation and our grandchildren. Changes on the lower cape are occurring so fast that the bill will have to go through soon to accomplish its real purpose.

We wish to urge your continued enthusiastic support for this bill in all possible ways.

Very truly yours,

EMILY YOUNG WILLIAMS
Mrs. David W. Williams.

TRURO, MASS., *December 4, 1959.*

Senator LEVERETT SALTONSTALL,
Senator JOHN F. KENNEDY,
Washington, D.C.

DEAR SIRS: What an intricate problem the proposed Cape Cod National Seashore Park is.

In brief, I suggest that those of us who own property and care very much about keeping Cape Cod as nearly as possible as it is now, retain private ownership as long as we make no changes, sell no land, and as long as those who inherit from us so agree.

Sincerely,

HAZEL WYETH WILLIAMS
Mrs. Arthur F. Williams.

KENT, CONN., *December 6, 1959.*

Hon. JOHN F. KENNEDY,
Hon. LEVERETT SALTONSTALL,
Senate Office Building,
Washington, D.C.

DEAR SENATORS: My husband and I have favored the creation of the national seashore area on Cape Cod. We own property in Truro, not presently included in the area to be made a park, but we are more and more concerned with the probable deterioration of land outside the park area, particularly since the proposed Truro zoning regulation seems a very poor one.

We feel that the safety of all property owners in Truro, and the maintenance of a satisfactory tax base, can only be achieved if the whole area of Truro (and preferably of Wellfleet and Provincetown), should be included in the park. I refer you to a letter written to you by Mr. W. H. Wenneman, of Truro, with which we are in hearty agreement.

We must have the best possible arrangement for the benefit of those who live on Cape Cod as well as for the many visitors we hope to have.

Sincerely,

MARGARET WORTHINGTON
Mrs. Wm. Worthington.

NORTH EASTHAM, CAPE COD, MASS.,
December 1, 1959.

Senator LEVERETT SALTONSTALL,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR: Since I may be unable to attend the December 9 hearing on the Cape Cod National Seashore Park bill, S. 2636, I like to put before you my objections against the bill as presently constituted. I am a resident taxpayer in Eastham and a member of the Eastham Planning Board.

My objections are not generated by any personal financial considerations, since I do not own any buildings or land which I expect to sell in the proposed area. We live on the west side of North Eastham near the beach where we own a year-around house and 3 acres of ground. We have come to Eastham

since the 20's and have lived here since my retirement in 1946. Although the west side of Eastham is not included in the park plan if it should be overrun by park visitors to see and take dips in the bay, we could sell our property, even at a loss and spend the remaining years of our lives someplace else, since my previous connection with General Motors will allow this financially. Furthermore we are both between 65 and 70. But I am against the present plan because it will do very severe financial damage and also eliminate them as desirable places for vacationists and people staying all summer and retired people. The whole lower Cape Cod will be crowded by thousands of visitors and will be worse than even some present crowded section of the cape.

The present plan is entirely different from the three existing national parks on the east shore. Acadia National Park was originally a private park which was turned over to the National Park Service before 1920. It may infringe somewhat on the development of Bar Harbor, but the other six towns in accordance with the 1950 census had a combined population of about 4,000. It contains mostly lakes, woods, and mountains, of which Cadillac Mountain is 1,530 feet high, also beaches. Everglades National Park in Florida with an acreage over a million has no towns in its borders, just the Flamingo Camp. It has one good road from east to west; otherwise it is mostly wilderness. Finally the newest—Cape Hatteras in North Carolina has only one incorporated town inside its area, Hatteras, which in 1950 had 480 inhabitants. The other seven are fishing villages and the 1950 census shows a population for all 8 of 2,131.

You can see how different this is from Cape Cod where six incorporated towns will be affected, namely Provincetown, Chatham, Orleans, and particularly Eastham, Wellfleet, and Truro. The lower cape has been trying to maintain its position as an uncrowded desirable spot for vacationists and summer and year-around residents. The present plan will seriously hurt this, particularly in Eastham, Wellfleet, and Truro. Orleans will lose its only ocean beach, which it has been trying to extend. All the six towns affected have planning boards to help the proper development of the towns. All but Wellfleet and Truro have zoning regulations. Truro is planning on enacting them at the next town meeting and Wellfleet will probably do the same.

As far as Eastham is concerned, it has been working all the time on enlarging and improving its ocean and bay beaches. A proposal by the planning board to create a third ocean beach with parking space for 400 cars about midway between the light and the Coast Guard station has been before the selectmen for some time, but has been held up until the national park question is settled. So it looks as if proper recreational facilities can be provided in Eastham without being included in the national park area.

The person who opposes bill S. 2636 should be willing to offer an alternative which is better than the plan provided in the bill. I like to offer for your consideration a different plan which will provide a smaller park area, but establish a park on Cape Cod without hurting the towns affected, financially, and making residence, in the area affected, undesirable.

The State of Massachusetts owns at present 4,949 acres in Provincetown and 1,699 acres in Truro or a total of 6,648 acres. Between these two sections are about 1,500 acres of land which are undeveloped and could be incorporated in a national park for a total of 8,148 acres. Also probably the land south of the present State Truro holdings down to Highland Light Road could be taken over for the park with little tax loss to Truro. This would then give a national park with a total acreage of 8,949 acres (counting the last parcel as 800 acres) or nearly 9,000 acres. This park would have beaches on the east, north, and west, plenty of acreage and a beautiful view of Provincetown harbor.

This is my suggestion, which I beg to recommend for your consideration, so as to prevent the lower cape being damaged and still have a national park.

Yours very truly,

EUGENE S. ZACK,
Member Eastham Planning Board.

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